

# HOUSE JOURNAL

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SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FOURTH DAY — TUESDAY, MAY 15, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 432).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert; Nixon.

The invocation was offered by Dr. Stephen Jones, pastor, Mount Sinai Baptist Church, Dallas.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of illness:

Hilbert on motion of Haggerty.

The following member was granted leave of absence temporarily for today because of important business in the district:

Nixon on motion of Denny.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative T. King who presented Dr. Lloyd Van Winkle of Castroville as the "Doctor for the Day."

The house welcomed Dr. Van Winkle and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**HR 1056 - ADOPTED**  
**(by Tillery)**

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 1056**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1056**, Honoring the Reverend Dr. Stephen LaRoy Jones for his service as Pastor of the Day for the Texas House of Representatives.

**HR 1056** was read and was adopted without objection.

On motion of Representative Madden, the names of all the members of the house were added to **HR 1056** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Tillery, who introduced Dr. Stephen LaRoy Jones, Pastor of the Day for the Texas House of Representatives and son of Representative Jesse Jones.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 53).

**HR 1033 - ADOPTED**  
**(by Krusee)**

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **HR 1033**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1033**, Honoring Taylor, Texas, on the occasion of its 125th anniversary.

**HR 1033** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Krusee, who introduced a delegation from Taylor.

**HR 1075 - ADOPTED**  
**(by Yarbrough)**

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 1075**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1075**, Congratulating Diane Henry on being named Teacher of the Year at Kiker Elementary School in Austin.

**HR 1075** was adopted without objection.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **HR 1051 - ADOPTED** (by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1051**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1051**, In memory of John Burgess Merrifield of Fort Worth.

**HR 1051** was read and was unanimously adopted by a rising vote.

On motion of Representative Brimer, the names of all the members of the house were added to **HR 1051** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Goolsby, who introduced the family of John Burgess Merrifield.

(Geren in the chair)

#### **HR 1069 - ADOPTED** (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1069**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1069**, Honoring the Texas Fatherhood Initiative.

**HR 1069** was read and was adopted without objection.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 1069** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Hunter, who introduced members of the Texas Fatherhood Initiative.

(Sadler in the chair)

#### **HR 1047 - ADOPTED** (by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1047**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1047**, In memory of Corrections Officer Wilmot A. Burnett of the Texas Department of Criminal Justice.

**HR 1047** was unanimously adopted by a rising vote.

**HR 1048 - ADOPTED**  
**(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1048**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1048**, In memory of Corrections Officer Francisco F. Garza of the Texas Department of Criminal Justice.

**HR 1048** was unanimously adopted by a rising vote.

**SCR 60 - ADOPTED**  
**(Geren - House Sponsor)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **SCR 60**.

The motion prevailed without objection.

The following resolution was laid before the house:

**SCR 60**, Extending condolences to the family of John V. McMillan.

(Speaker in the chair)

**SCR 60** was read and was unanimously adopted by a rising vote.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Geren, who introduced the family of John V. McMillan.

(Edwards in the chair)

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 28).

**HR 1017 - ADOPTED**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 1017**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1017**, in memory of Ruben Dario Longoria of Edinburg.

**HR 1017** was unanimously adopted by a rising vote.

(Speaker in the chair)

## HB 10 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Telford called up with senate amendments for consideration at this time,

**HB 10**, A bill to be entitled An Act relating to the preservation of state and local historic property.

On motion of Representative Telford, the house concurred in the senate amendments to **HB 10**.

### Senate Committee Substitute

**CSHB 10**, A bill to be entitled An Act relating to the preservation of state and local historic property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 318, Local Government Code, is amended by amending Sections 318.002-318.010 and adding Sections 318.0101 and 318.0102 to read as follows:

Sec. 318.002. ESTABLISHMENT. The commissioners court of a county may appoint a county historical commission for the purpose of initiating and conducting programs suggested by the commissioners court and the Texas Historical Commission for the preservation of the county's historic cultural resources. Programs suggested by the Texas Historical Commission must be consistent with the statewide preservation plan. In suggesting programs, the Texas Historical Commission shall consider the fiscal and human resources the county has to conduct the programs ~~[historical heritage of the county]~~.

Sec. 318.003. COMPOSITION; TERM. (a) The commission must be composed of at least seven residents of the county. Members of the commission must be individuals who broadly reflect the age, ethnic, and geographic diversity of the county.

(b) The members of the commission shall be appointed during the month of January of odd-numbered years and are appointed for a term of two years. The commissioners court shall fill a vacancy on the commission for the remainder of the unexpired term.

(c) Each commission member must have an interest in historic preservation and an understanding of local history and resources.

(d) The commissioners court shall provide to the Texas Historical Commission a list of appointed members and the mailing address of each member.

Sec. 318.004. APPOINTMENT BY STATE. If the commissioners court fails to appoint a commission by April 1 of each odd-numbered year, the Texas Historical Commission may appoint the commission after 30 days' written notice to the commissioners court of its intention to do so. The county judge shall serve as commission chair during any interim period.

Sec. 318.005. MEETINGS. (a) The commission shall meet at least four times ~~[once]~~ each year ~~[at the county seat]~~ and may meet as often as the commission may determine under rules adopted by it for its own regulation.

(b) All meetings of the commission shall be conducted in accordance with the open meetings law, Chapter 551, Government Code.

Sec. 318.006. RESOURCE IDENTIFICATION ~~[CONTINUING SURVEY; COUNTY REGISTER]~~. (a) The commission should ~~[shall]~~ institute and carry out a continuing survey of the county to determine the existence of historic ~~[historical]~~ buildings and other historical and archeological sites, private

archeological collections, important endangered properties [~~of historical memorabilia~~], or other historical features within the county, and should [~~shall~~] report the data collected to the commissioners court and the Texas Historical Commission.

(b) The commission should develop and maintain its inventory of surveyed individual properties and districts in accordance with standards established by the Texas Historical Commission [~~shall compile the data in a county register of historical places and memorabilia~~].

(c) The commission should establish a system for the periodic review and assessment of the condition of designated properties in the county, including Recorded Texas Historic Landmarks, State Archeological Landmarks, and individual historic properties or districts listed in the National Register of Historic Places. The commission should report the results of the review and assessment to the Texas Historical Commission.

Sec. 318.007. EDUCATION [~~HISTORICAL TRAIL~~]. The commission should strive to create countywide awareness and appreciation of historic preservation and its benefits and uses [, with the approval of the commissioners court, may designate as a historical trail any road or highway route that links historical sites in the county and may designate certain areas of the county as special areas of historical interest].

Sec. 318.008. REPORTS AND RECOMMENDATIONS. (a) In order to inform the commissioners court and the Texas Historical Commission of the commission's needs and programs, the [~~The~~] commission shall make an annual report of its activities and recommendations [~~simultaneously~~] to the commissioners court and to the Texas Historical Commission before the end of each calendar year. The commission may make as many other reports and recommendations as it sees fit.

(b) The commission shall make recommendations to the commissioners court and the Texas Historical Commission concerning the acquisition and designation of property, real or personal, that is of historical or archeological significance.

Sec. 318.009. FISCAL AND HUMAN RESOURCES [~~EXPENSES~~]. (a) The commissioners court may pay the necessary expenses of the commission.

(b) The commissioners court may make agreements with governmental agencies or private organizations and may appropriate funds from the general fund of the county for the purpose of:

- (1) erecting historical markers and monuments;
- (2) purchasing objects and collections of objects that are historically significant to the county;
- (3) preparing, publishing, and disseminating, by sale or otherwise, a history of the county;
- (4) hiring professional staff and consultants;
- (5) providing matching funds for grants; and
- (6) funding other programs or activities as suggested by the Texas Historical Commission and the commissioners court.

(c) The Texas Historical Commission may make grants available to the commission, subject to the budgetary authority and approval of the commissioners court, to carry out the purposes of this chapter.

Sec. 318.010. RESOURCE INTERPRETATION [~~OPERATION OF MUSEUM~~]. (a) The commission shall review applications for Official Texas Historical Markers to determine the accuracy, appropriateness, and completeness of the application.

(b) The commission should establish a system for the periodic review, assessment, and maintenance of Official Texas Historical Markers in the county.

(c) The commission should work to promote historic and cultural sites in the county to develop and sustain heritage tourism.

(d) The commission may:

- (1) operate and manage any museum owned or leased by the county;
- (2) acquire artifacts and other museum collections [~~paraphernalia~~] in the name of the museum or the commission; and
- (3) supervise any employees hired by the commissioners court to operate the museum.

(e) In operating museums, the commission shall adhere to professional standards in the care, collection, management, and interpretation of artifacts.

Sec. 318.0101. PLANNING. The commission should work in partnership with other preservation entities in the county to prepare a plan for the preservation of the county's historic and cultural resources. The commission should use the Texas Historical Commission's statewide preservation plan for guidance.

Sec. 318.0102. LEADERSHIP AND TRAINING. (a) The Texas Historical Commission shall make orientation materials and training available to all county historical commissions.

(b) The commission should strive to be represented at informational or educational meetings sponsored by the Texas Historical Commission at least twice each year.

(c) The commission, with assistance from the Texas Historical Commission, shall carry out board and volunteer training.

SECTION 2. Section 442.005, Government Code, is amended by adding Subsection (v) to read as follows:

(v) The commission may accept a gift of real property, whether of historical value or not. When the gift is received, the commission may:

(1) arrange for the preservation, maintenance, and public exhibition of the property; or

(2) at the commission's discretion, sell the property at fair market value and use the proceeds to carry out any purpose of this chapter.

SECTION 3. Section 442.0145(a), Government Code, is amended to read as follows:

(a) The commission shall administer a program to assist municipalities, counties, museums, and county historical commissions with:

(1) the development or improvement of museum facilities used to display historical artifacts discovered in Texas that are significant in Texas or American history; and

(2) the acquisition of historical artifacts discovered in Texas that are significant in Texas or American history.

SECTION 4. Sections 442.015(b), (c), and (d), Government Code, are amended to read as follows:

(b) The commission may use money in the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, ~~[Landmarks]~~ or that the commission determines is eligible for such [a] listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Money deposited to the credit of the account specifically for any eligible [architectural] projects ~~[or for archeological projects]~~ may be used only for the type of projects specified. If such a specification is not made, ~~[90 percent of]~~ the money shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account ~~[used for historic architectural projects and 10 percent shall be used for prehistoric and historic archeological projects]~~.

(c) As a condition of providing financial assistance under this section, the commission shall require the creation of a preservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state, the designation of the property as a State Archeological Landmark, as provided by Chapter 191, Natural Resources Code, or the ~~[shall require]~~ creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan made under this section.

(d) The commission, after considering the recommendations of the governor, lieutenant governor, and speaker of the house of representatives, shall appoint an advisory board composed of:

- (1) one representative of a bank or savings and loan association;
- (2) one attorney with a recognized background in historic preservation;
- (3) two architects with substantial experience in historic preservation;
- (4) two archeologists ~~[one archeologist]~~ with substantial experience in Texas archaeology;
- (5) one real estate professional with experience in historic preservation;
- (6) two persons with demonstrated commitment to historic preservation; and
- (7) two directors ~~[one director]~~ of [a] nonprofit historic preservation organizations ~~[organization]~~.

SECTION 5. Chapter 442, Government Code, is amended by adding Section 442.017 to read as follows:

Sec. 442.017. IDENTIFICATION AND PRESERVATION OF ABANDONED CEMETERIES. (a) The commission should establish a program to identify and preserve abandoned cemeteries across the state.

(b) The commission is encouraged to use volunteers to the maximum extent possible to implement the program and to model the program to the extent appropriate on the "Adopt-A-Beach" program conducted by the General Land Office.

(c) The commission may accept gifts, grants, and in-kind donations from



public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

SECTION 6. Chapter 442, Government Code, is amended by adding Section 442.018 to read as follows:

Sec. 442.018. IDENTIFICATION AND PRESERVATION OF TEXAS UNDERGROUND RAILROAD HISTORICAL SITES. (a) The commission should establish a program to identify and preserve Texas Underground Railroad Historical Sites.

(b) The commission is encouraged to use volunteers to the maximum extent possible to implement the program and to model the program to the extent appropriate on the "Adopt-A-Beach" program conducted by the General Land Office.

(c) The commission may accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

SECTION 7. Subchapter K, Chapter 2166, Government Code, is amended by adding Section 2166.5011 to read as follows:

Sec. 2166.5011. REMOVAL, RELOCATION, OR ALTERATION OF A MONUMENT OR MEMORIAL. (a) In this section, "monument or memorial" means a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, building name, or street name, that:

(1) is located on state property; and

(2) honors a citizen of this state for military or war-related service.

(b) Notwithstanding any other provision of this code, a monument or memorial may be removed, relocated, or altered only:

(1) by the legislature;

(2) by the Texas Historical Commission;

(3) by the State Preservation Board; or

(4) as provided by Subsection (c).

(c) A monument or memorial may be removed, relocated, or altered in a manner otherwise provided by this code as necessary to accommodate construction, repair, or improvements to the monument or memorial or to the surrounding state property on which the monument or memorial is located. Any monument or memorial that is permanently removed under this subsection must be relocated to a prominent location.

SECTION 8. Section 318.011, Local Government Code, is repealed.

SECTION 9. This Act takes effect September 1, 2001.

### **HB 391 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Maxey called up with senate amendments for consideration at this time,

**HB 391**, A bill to be entitled An Act relating to the provision of donor human milk to certain infants under the medical assistance program.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 391**.

#### **Senate Committee Substitute**

**CSHB 391**, A bill to be entitled An Act relating to human donor milk banks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter G to read as follows:

#### SUBCHAPTER G. HUMAN MILK BANKS

Sec. 161.071. MINIMUM GUIDELINES FOR HUMAN DONOR MILK BANKS. The department shall establish minimum guidelines for the procurement, processing, distribution, or use of human milk by donor milk banks.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2001.

#### **HB 467 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Solomons called up with senate amendments for consideration at this time,

**HB 467**, A bill to be entitled An Act relating to the authority of the board of regents of Texas Woman's University to levy student fees for medical services.

On motion of Representative Solomons, the house concurred in the senate amendments to **HB 467** by (Record 433): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente;

Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Dutton; Farrar; Solis; Solomons; Uresti; West.

### STATEMENTS OF VOTE

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Solis

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Uresti

### Senate Committee Substitute

**CSHB 467**, A bill to be entitled An Act relating to the authority of the board of regents of Texas Woman's University to levy student fees for medical services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 54.5085(a) and (b), Education Code, are amended to read as follows:

(a) The board of regents of Texas Woman's University may charge each student registered at the university a medical services fee not to exceed \$55 [~~\$30~~] for each semester of the regular term or 12-week summer session and not to exceed \$25 [~~\$15~~] for each six-week or shorter term of the summer session.

(b) Before the board imposes or increases a fee under this section, the board shall consider the recommendations of a student fee advisory committee established by the president of the university. A majority of the members of the advisory committee must be students appointed by the presiding officer of the student governing body and the remainder of the members must be appointed by the president of the university. The board may increase the amount of the fee by an amount that is more than 10 percent of the amount imposed in the preceding academic year only if that increase is approved by a majority vote of those students of the university participating in a general election called for that purpose.

SECTION 2. The change in law made by this Act applies beginning with fees charged for the 2001 fall semester. Fees charged for a semester or session before the 2001 fall semester are governed by the law in effect at the time the fees are charged, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

## HB 899 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Thompson called up with senate amendments for consideration at this time,

**HB 899**, A bill to be entitled An Act relating to a court order of retroactive child support.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 899**. (Shields recorded voting no)

### Senate Committee Substitute

**CSHB 899**, A bill to be entitled An Act relating to a court order for retroactive child support or for the abeyance of the enforcement of child support arrearages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.131, Family Code, is amended to read as follows:

Sec. 154.131. ~~[APPLICATION OF GUIDELINES TO]~~ RETROACTIVE CHILD SUPPORT. (a) The child support guidelines are intended to guide the court in determining the amount of retroactive child support, if any, to be ordered.

(b) In ordering retroactive child support, the court shall consider the net resources of the obligor during the relevant time period and whether:

(1) the mother of the child had made any previous attempts to notify the obligor ~~[biological father]~~ of his paternity or probable paternity;

(2) the obligor ~~[biological father]~~ had knowledge of his paternity or probable paternity;

(3) the order of retroactive child support will impose an undue financial hardship on the obligor or the obligor's family; and

(4) the obligor has provided actual support or other necessities before the filing of the action.

(c) It is presumed that a court order limiting the amount of retroactive child support to an amount that does not exceed the total amount of support that would have been due for the four years preceding the date the petition seeking support was filed is reasonable and in the best interest of the child.

(d) The presumption created under this section may be rebutted by evidence that the obligor:

(1) knew or should have known that the obligor was the father of the child for whom support is sought; and

(2) sought to avoid the establishment of a support obligation to the child.

(e) An order under this section limiting the amount of retroactive support does not constitute a variance from the guidelines requiring the court to make specific findings under Section 154.130.

SECTION 2. Section 160.005(b), Family Code, is amended to read as follows:

(b) Except as provided under Section 154.131, on [On] a finding of

parentage, the court may order support retroactive to the time of the birth of the child and, on a proper showing, may order a party to pay an equitable portion of all prenatal and postnatal health care expenses of the mother and child.

SECTION 3. Section 157.262, Family Code, is amended to read as follows:

Sec. 157.262. REDUCTION OF ARREARAGES; ABEYANCE OF ENFORCEMENT. (a) Except as provided by this section, in [H] a contempt proceeding or in rendering a money judgment, the court may not reduce or modify the amount of child support arrearages.

(b) In an enforcement action under this chapter, the court may, with the agreement of the Title IV-D agency, hold in abeyance the enforcement of any arrearages, including interest, assigned to the Title IV-D agency under Section 231.104(a) if, for the period of the court's order of abeyance of enforcement, the obligor:

(1) timely and fully pays the obligor's current child support under a court or administrative order; and

(2) is involved in the life of the child for whom support is ordered through the exercise of the obligor's right of possession of or access to the child.

(c) If the court orders an abeyance of enforcement of arrearages under this section, the court may require the obligor to obtain counseling on parenting skills, work skills, job placement, financial planning, conflict resolution, substance abuse, or other matters causing the obligor to fail to obey the child support order.

(d) If the court finds in a subsequent hearing that the obligor has not met the conditions set by the court's order under this section, the court shall terminate the abeyance of enforcement of the arrearages.

(e) On the expiration of the child support order, the court may, with the agreement of the Title IV-D agency, reduce the amount of the arrearages assigned to the Title IV-D agency under Section 231.104(a) if the court finds that the obligor has complied with the conditions set by the court under this section.

(f) The money judgment for arrearages rendered by the court may be subject to a counterclaim or offset as provided by this subchapter.

SECTION 4. (a) This Act takes effect September 1, 2001, and applies only to a suit for child support or a motion to enforce child support filed on or after that date regardless of whether the child support became due before, on, or after that date. A suit or motion filed before the effective date of this Act is governed by the law in effect on the date the suit or motion was filed, and the former law is continued in effect for that purpose.

(b) The enactment of this Act does not by itself constitute a material and substantial change in circumstances sufficient to warrant modification of a court order or a portion of a decree providing for the payment of child support that is rendered before the effective date of this Act.

### **HB 1066 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Uher called up with senate amendments for consideration at this time,

**HB 1066**, A bill to be entitled An Act relating to health benefits coverage of grandchildren.

On motion of Representative Uher, the house concurred in the senate amendments to **HB 1066**.

**Senate Committee Substitute**

**CSHB 1066**, A bill to be entitled An Act, relating to health benefits coverage of grandchildren.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1(b), Article 3.51-6, Insurance Code, is amended to read as follows:

(b) The spouse and dependents of employees or members, including a dependent grandchild of an employee or member who is less than 21 years old and living with and in the household of the employee or member, referred to in Subdivisions (a)(1) through (a)(6) of this section may be included within the coverage provided in a group policy. For purposes of this subsection, a grandchild of an employee or member is a dependent of the employee or member, regardless of whether the employee or member treats the grandchild as a dependent for federal income tax purposes.

SECTION 2. Section 3E(b), Article 3.51-6, Insurance Code, is amended to read as follows:

(b) A health insurance policy that provides coverage for a child of the policyholder must upon payment of a premium provide coverage for any children of the policyholder's child if those children are dependents of the policyholder. For purposes of this subsection, a child of the policyholder's child is a dependent of the policyholder regardless of whether the policyholder treats the child as a dependent for federal income tax purposes.

SECTION 3. Section 2(A), Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(A) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:

(1) the entire money and other consideration therefor are expressed therein or in the application, if it is made a part of the policy; and

(2) the time at which the insurance takes effect and terminates is expressed therein; and

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policy holder, any two or more eligible members of that family, including:

(a) the spouse of the policy holder;

(b) a dependent child of the policy holder or any child under a specified age that may not exceed 25 years of age;

(c) ~~[husband, wife, dependent children, including]~~ a dependent grandchild of the policy holder who is less than 21 years old and living with and in the household of the policy holder; provided that, for purposes of this paragraph, a grandchild of a policy holder is a dependent of

the policy holder regardless of whether the policy holder treats the grandchild as a dependent for federal income tax purposes;

~~(d) [or any children under a specified age which shall not exceed twenty-five years;]~~ a child the policy holder is required to insure under a medical support order issued under Chapter 154 [~~Section 14.061~~], Family Code, or enforceable by a court in this state;[-] and

~~(e) any other person dependent upon the policy holder; and~~

(4) the style, arrangement and over-all appearance of the policy gives no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers (except copies of applications and identification cards) are plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions); and

(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 3 of this Act, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions"; provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or shortrate table filed with the Board; and

(8) it shall have printed thereon or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten (10) days of its delivery to such person and to have the premium paid refunded if, after examination of the policy, such person is not satisfied with it for any reason. If such person pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. This subdivision shall not apply to single premium nonrenewable policies.

SECTION 4. Section 2(L), Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(L) An individual or group policy of accident and sickness insurance that is delivered, issued for delivery, or renewed in this state, including a policy issued by a company subject to Chapter 20, Insurance Code, evidence of coverage issued by a health maintenance organization subject to the Texas

Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), and a self-funded or self-insured welfare or benefit plan or program to the extent that regulation of the plan or program is not preempted by federal law that provides coverage for a child of the policyholder, must provide coverage upon payment of a premium for:

(1) any children of the policyholder's child if those children are dependents of the policyholder; provided that, for purposes of this subdivision, a grandchild of a policyholder is a dependent of the policyholder regardless of whether the policyholder treats the grandchild as a dependent for federal income tax purposes; or

(2) ~~for~~ a child for whom the group member or insured must provide medical support under an order issued under Chapter 154 ~~[Section 14.061]~~, Family Code, or enforceable by a court in this state.

SECTION 5. Section 9(k), Texas Health Maintenance Organization Act (Article 20A.09, Vernon's Texas Insurance Code) (former Subsection (j)), as amended by Chapters 905 and 1026, Acts of the 75th Legislature, Regular Session, 1997, is redesignated as Section 9H, Texas Health Maintenance Organization Act (Article 20A.9H, Vernon's Texas Insurance Code), and amended to read as follows:

Sec. 9H. DEPENDENT GRANDCHILDREN. (a) ~~(k)-(r)~~ A health maintenance organization may provide benefits under a health care plan to a dependent grandchild of an enrollee when the dependent grandchild is less than 21 years old and living with and in the household of the enrollee.

(b) For purposes of this section, a grandchild of an enrollee is a dependent, regardless of whether the enrollee treats the grandchild as a dependent for federal income tax purposes.

SECTION 6. This Act applies only to an insurance policy, contract, or evidence of coverage delivered, issued for delivery, or renewed on or after January 1, 2002. A policy, contract, or evidence of coverage delivered, issued for delivery, or renewed before January 1, 2002, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2001.

### **HB 1103 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Yarbrough called up with senate amendments for consideration at this time,

**HB 1103**, A bill to be entitled An Act relating to enforcement by the Texas Workforce Commission of certain laws regarding unemployment compensation.

On motion of Representative Yarbrough, the house concurred in the senate amendments to **HB 1103** by (Record 434): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam;



Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

### Senate Committee Substitute

**CSHB 1103**, A bill to be entitled An Act relating to enforcement by the Texas Workforce Commission of certain laws regarding unemployment compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 204.001, Labor Code, is amended to read as follows:

Sec. 204.001. DEFINITION. In this chapter, "manual" means the North American [Standard] Industrial Classification System Manual published by the United States Office of Management and Budget.

SECTION 2. Section 204.086(b), Labor Code, is amended to read as follows:

(b) If not paid, the commission may bring an action under Chapter 213 [suit] for the collection of a contribution, a penalty, or interest as though the contribution, penalty, or interest had been incurred by the successor employer.

SECTION 3. Section 213.025, Labor Code, is amended to read as follows:

Sec. 213.025. ADDITIONAL INTEREST ON JUDGMENT OR FINAL ASSESSMENT FOR PAST DUE CONTRIBUTION. For a judgment or final assessment that grants recovery of the amount of a contribution and the amount of interest computed at the maximum rate permitted under Section 213.021(a), the part of the judgment or final assessment for the amount of the contribution earns additional interest at the rate of one percent for each month or part of a month it remains unpaid.

SECTION 4. Section 213.032(e), Labor Code, is amended to read as follows:

(e) An assessment that is not contested by the employer or that is upheld after judicial review has the effect of a final judgment of a district court and shall be recorded, enforced, and renewed in the same manner. An assessment described by this subsection is a final assessment.

SECTION 5. Sections 213.033(b) and (c), Labor Code, are amended to read as follows:

(b) The following actions [~~proceedings~~] suspend the running of the limitations period prescribed under Subsection (a):

(1) an administrative hearing [~~proceeding~~] to redetermine the liability for a contribution, a penalty, or interest pending before the commission; and

(2) a bankruptcy case [~~proceeding~~] begun under Title 11 of the United States Code pending before the court.

(c) After a hearing or case [~~proceeding~~] described by Subsection (b) is closed [~~concluded~~], the running of the limitations period prescribed under Subsection (a) resumes.

SECTION 6. Section 213.051(a), Labor Code, is amended to read as follows:

(a) After a judgment is entered against an employer for a contribution, a penalty, or interest or an assessment against an employer under this chapter is final and execution returned unsatisfied, an employer liable for the unpaid judgment or final assessment may not employ an individual in this state until the employer furnishes a surety bond.

SECTION 7. (a) This Act takes effect September 1, 2001.

(b) The changes in law made by this Act by the amendment of Sections 213.025 and 213.051, Labor Code, apply only to a final assessment issued on or after the effective date of this Act. A final assessment issued before the effective date of this Act is governed by the law in effect on the date the assessment was issued, and the former law is continued in effect for that purpose.

(c) Section 204.001, Labor Code, as amended by this Act, applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

## **HB 1265 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Clark called up with senate amendments for consideration at this time,

**HB 1265**, A bill to be entitled An Act relating to clarifications of and technical corrections in certain laws affecting municipalities and counties.

On motion of Representative Clark, the house concurred in the senate amendments to **HB 1265**.

### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1265** by inserting on page 3, line 20, the following and renumbering subsequent sections appropriately:

SECTION 8. Amend Section 62.002(a), Local Government Code to read as follows:

(a) The mayor of the municipality shall order an election on the question of abolishing the municipality's corporate existence if a petition requesting that the election be held is submitted to the mayor and is signed by at least 400 qualified voters of the municipality. However, if a majority of the qualified voters of the municipality is less than 400, the petition must be signed by

at least two-thirds of the qualified voters of the municipality. If the municipality has less than 400 qualified voters and has no municipal debt and does not provide services that would be otherwise provided by the county, the petition must be signed by at least fifty qualified voters in the municipality.

### **HB 1466 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Maxey called up with senate amendments for consideration at this time,

**HB 1466**, A bill to be entitled An Act relating to waiver of certain requirements for insurers who contract with municipalities of this state.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1466**.

#### **Senate Committee Substitute**

**CSHB 1466**, A bill to be entitled An Act relating to waiver of certain requirements for insurers who contract with municipalities of this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Article 21.49-16, Insurance Code, is amended to read as follows:

Sec. 2. REQUIREMENTS; EXCEPTION. (a) Except as provided by Subsection (c) of this section, an [An] insurer who bids on a contract subject to the competitive bidding and competitive proposal requirements adopted under Section 252.021, Local Government Code, may not submit a bid for a contract to provide stop-loss or other insurance coverage that is subject to any qualification imposed by the insurer that permits the insurer to modify or limit the terms of insurance coverage to be provided after the contract has been made. An insurer's bid submitted under Section 252.021, Local Government Code, must contain the entire offer made by the insurer.

(b) Except as provided by Subsection (c) of this section, an [An] insurer who provides stop-loss or other insurance coverage for health benefits under a contract subject to this article may not, based on an individual's prior medical history, exclude an individual who is otherwise eligible for the health benefits coverage from coverage or assign a higher deductible to the individual.

(c) By executing a written waiver in favor of the insurer, a municipality may waive the requirements of:

(1) Subsection (a) of this section; or

(2) Subsection (b) of this section regarding the assignment of a higher deductible to the individual.

SECTION 2. Section 2, Article 21.49-16, Insurance Code, as amended by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2001

## **HB 1641 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Rangel called up with senate amendments for consideration at this time,

**HB 1641**, A bill to be entitled An Act relating to providing certain students with an equal opportunity to enroll in or receive a competitive scholarship for a graduate or professional degree program.

On motion of Representative Rangel, the house concurred in the senate amendments to **HB 1641** by (Record 435): 143 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the house refused to concur in the senate amendments and appointed a conference committee to adjust the differences between the two houses on **HB 1641**)

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Grusendorf; Moreno, J.; Turner, S.; Wohlgemuth.

### **Senate Committee Substitute**

**CSHB 1641**, A bill to be entitled An Act relating to providing certain students with an equal opportunity to enroll in or receive a competitive scholarship for a graduate or professional degree program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter V to read as follows:

#### **SUBCHAPTER V. ADMISSION AND SCHOLARSHIP POLICIES FOR GRADUATE AND PROFESSIONAL PROGRAMS**

Sec. 51.821. DEFINITIONS. In this subchapter:

(1) "General academic teaching institution" and "medical and dental unit" have the meanings assigned by Section 61.003.

(2) "Graduate program" means a degree program, as defined by

Section 61.003, to which a student may be admitted that leads to a master's or doctoral degree.

(3) "Professional program" means a degree program, as defined by Section 61.003, to which a student may be admitted that leads to a degree required for licensure as an attorney, doctor of medicine or osteopathy, dentist, architect, or pharmacist.

Sec. 51.822. ADMISSION AND SCHOLARSHIP FACTORS FOR GRADUATE AND PROFESSIONAL PROGRAMS. (a) A graduate or professional program of a general academic teaching institution or medical or dental unit may consider the following factors in making an admissions or scholarship decision for admissions into or competitive scholarships for the graduate or professional program:

(1) an applicant's academic record as a high school student and undergraduate student;

(2) the socioeconomic background of the applicant while the applicant attended elementary and secondary school and was an undergraduate student, including any change in that background;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an undergraduate program or from a graduate or professional program;

(4) whether the applicant has multilingual proficiency;

(5) the applicant's responsibilities while attending elementary and secondary school and as an undergraduate student, including whether the applicant was employed, whether the applicant helped to raise children, and other similar factors;

(6) to achieve geographic diversity, the applicant's region of residence at the time of application and, if the applicant graduated from a public high school in this state within the preceding 20 years, the region in which the applicant's school district is located;

(7) the applicant's involvement in community activities;

(8) the applicant's demonstrated commitment to a particular field of study;

(9) for admission into a professional program, the current comparative availability of members of that profession in the applicant's region of residence while the applicant attended elementary and secondary school;

(10) whether the applicant was automatically admitted to a general academic teaching institution as an undergraduate student under Section 51.803; and

(11) the applicant's personal interview.

(b) The applicant's performance on a standardized test may not be used in the admissions or competitive scholarship process as the sole criterion for consideration of the applicant.

(c) An institution may not assign a specific weight to any one factor being considered in the admissions or competitive scholarship process.

(d) Not later than one year before the date that applications for admissions and competitive scholarships are first considered for a graduate or professional program under this subchapter, each general academic teaching institution or medical and dental unit shall publish in the catalog of the institution or unit a description of the factors to be considered by the institution or unit in

making those admissions and competitive scholarship decisions and shall make the information available to the public.

(e) The requirements of Subsection (c) do not apply to admissions and competitive scholarships for the 2002 fall semester. Each institution or unit covered by Subsection (c) shall make the required information available to the public and to applicants to its graduate and professional programs not later than December 1, 2001, for the 2002 fall semester. This subsection expires September 1, 2002.

Sec. 51.823. RULEMAKING. The Texas Higher Education Coordinating Board may adopt rules relating to the operation of admissions and competitive scholarship processes under this subchapter.

SECTION 2. (a) The change in law made by this Act applies beginning with admissions and competitive scholarships for the 2002-2003 academic year.

(b) The Texas Higher Education Coordinating Board, each general academic teaching institution, and each medical and dental unit shall adopt rules or policies relating to the admission of students and awarding of scholarships under Subchapter V, Chapter 51, Education Code, as added by this Act, not later than December 1, 2001.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

## **HB 1687 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Kolkhorst called up with senate amendments for consideration at this time,

**HB 1687**, A bill to be entitled An Act relating to the powers and duties of the Texas Animal Health Commission.

On motion of Representative Kolkhorst, the house concurred in the senate amendments to **HB 1687** by (Record 436): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford;

Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Alexander; Junell; Turner, S.

### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **HB 1687** by striking SECTION 1 in its entirety and substituting the following:

SECTION 1. Subchapter B, Chapter 161, Agriculture Code, is amended by adding Section 161.0311 to read as follows: Sec. 161.0311. ACCEPTANCE OF GIFTS AND GRANTS. (a) The commission may solicit and accept gifts, grants, and donations for the purposes of this chapter.

(b) The commission shall report to the legislature by December 31 of each year the source and amount of each gift, grant, and donation received under this section.

### **HB 1833 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Giddings called up with senate amendments for consideration at this time,

**HB 1833**, A bill to be entitled An Act relating to local enforcement of certain health and safety statutes and ordinances.

On motion of Representative Giddings, the house concurred in the senate amendments to **HB 1833**.

### **Senate Committee Substitute**

**CSHB 1833**, A bill to be entitled An Act relating to local enforcement of certain health and safety statutes and ordinances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.115(a), Government Code, is amended to read as follows:

(a) A birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official is excepted from the requirements of Section 552.021, except that:

(1) a birth record is public information and available to the public on and after the 50th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official;

(2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the bureau of vital statistics or local registration official;

(3) a general birth index or a general death index established or maintained by the bureau of vital statistics or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public under Subdivision (1) or (2); [and]

(4) a summary birth index or a summary death index prepared or maintained by the bureau of vital statistics or a local registration official is public information and available to the public; and

(5) a birth or death record is available to the chief executive officer of a home-rule municipality or the officer's designee if:

(A) the record is used only to identify a property owner or other person to whom the municipality is required to give notice when enforcing a state statute or an ordinance;

(B) the municipality has exercised due diligence in the manner described by Section 54.035(e), Local Government Code, to identify the person; and

(C) the officer or designee signs a confidentiality agreement that requires that:

(i) the information not be disclosed outside the office of the officer or designee, or within the office for a purpose other than the purpose described by Paragraph (A);

(ii) the information be labeled as confidential;

(iii) the information be kept securely; and

(iv) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

SECTION 2. Sections 342.006(b) and (d), Health and Safety Code, are amended to read as follows:

(b) The notice must be given:

(1) personally to the owner in writing;

(2) by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or

(3) if personal service cannot be obtained:

(A) by publication at least once;

(B) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates[~~if the property contains no buildings~~].

(d) In a notice provided under this section, a municipality may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the municipality without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the municipality has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted by Subsections (a)(1) and (2) and assess its expenses as provided by Section 342.007.

SECTION 3. Section 54.033(b), Local Government Code, is amended to read as follows:



(b) A commission appointed for the purpose of hearing cases under this subchapter shall consist of one or more ~~[five-member]~~ panels, each composed of at least five members, to be appointed for terms of two years.

SECTION 4. Subchapter A, Chapter 54, Local Government Code, is amended by adding Section 54.006 to read as follows:

Sec. 54.006. NONSEVERABILITY OF CERTAIN CONSOLIDATED OFFENSES. Section 3.04(a), Penal Code, does not apply to two or more offenses consolidated or joined for trial under Section 3.02, Penal Code, if each of the offenses is:

(1) for the violation of an ordinance described by Section 54.012;

(2) punishable by fine only; and

(3) tried in a municipal court, regardless of whether the court is a municipal court of record.

SECTION 5. Section 54.034(a), Local Government Code, is amended to read as follows:

(a) All cases to be heard by the commission may be heard by any panel of the commission. A majority of the ~~[, but at least four]~~ members of a panel must hear a case.

SECTION 6. Section 54.035, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), and (f) to read as follows:

(a) Notice of all proceedings before the commission panels must be given:

(1) by personal delivery or by certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk; and

(2) to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(b) The notice must be posted and either personally delivered or [shall be] mailed ~~[and posted]~~ on or before the 10th day before the date of the hearing before the commission panel and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the hearing.

(d) A municipality must exercise due diligence to determine the identity and address of a property owner or lienholder to whom the municipality is required to give notice.

(e) A municipality exercises due diligence in determining the identity and address of a property owner or lienholder when it searches the following records:

(1) county real property records of the county in which the property is located;

(2) appraisal district records of the appraisal district in which the property is located;

(3) records of the secretary of state, if the property owner or lienholder is a corporation, partnership, or other business association;

(4) assumed name records of the county in which the property is located;

(5) tax records of the municipality; and

(6) utility records of the municipality.

(f) When a municipality mails a notice in accordance with this section to a property owner or lienholder and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

SECTION 7. Section 54.038, Local Government Code, is amended to read as follows:

Sec. 54.038. VOTE. A majority [~~The concurring~~] vote of the [~~four~~] members voting on a matter [~~of a commission panel~~] is necessary to take any action under this subchapter and any ordinance adopted by the municipality in accordance with this subchapter.

SECTION 8. Section 54.039(a), Local Government Code, is amended to read as follows:

(a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of a commission panel may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 calendar days after the date a copy of the final decision of the commission panel is personally delivered or mailed by first class mail, certified return receipt requested, to all persons to whom notice is required to be sent under Section 54.035. The commission panel shall personally deliver or mail that copy promptly after the decision becomes final. In addition, an abbreviated copy of the order shall be published one time in a newspaper of general circulation in the municipality within 10 calendar days after the date of the delivery or mailing of the copy as provided by this subsection, including the street address or legal description of the property; the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the municipal secretary or clerk.

SECTION 9. Subchapter C, Chapter 54, Local Government Code, is amended by adding Section 54.044 to read as follows:

Sec. 54.044. ALTERNATIVE PROCEDURE FOR ADMINISTRATIVE HEARING. (a) As an alternative to the enforcement processes described by this subchapter, a municipality by ordinance may adopt a procedure for an administrative adjudication hearing under which an administrative penalty may be imposed for the enforcement of an ordinance described by Section 54.032 or adopted under Section 214.001(a)(1).

(b) A procedure adopted under this section must entitle the person charged with violating an ordinance to a hearing and must provide for:

(1) the period during which a hearing shall be held;

(2) the appointment of a hearing officer with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents; and

(3) the amount and disposition of administrative penalties, costs, and fees.

(c) A municipal court may enforce an order of a hearing officer compelling the attendance of a witness or the production of a document.

(d) A citation or summons issued as part of a procedure adopted under this section must:

(1) notify the person charged with violating the ordinance that the person has the right to a hearing; and

(2) provide information as to the time and place of the hearing.

(e) The original or a copy of the summons or citation shall be kept as a record in the ordinary course of business of the municipality and is rebuttable proof of the facts it states.

(f) The person who issued the citation or summons is not required to attend a hearing under this section.

(g) A person charged with violating an ordinance who fails to appear at a hearing authorized under this section is considered to admit liability for the violation charged.

(h) At a hearing under this section, the hearing officer shall issue an order stating:

(1) whether the person charged with violating an ordinance is liable for the violation; and

(2) the amount of a penalty, cost, or fee assessed against the person.

(i) An order issued under this section may be filed with the clerk or secretary of the municipality. The clerk or secretary shall keep the order in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

(j) An order issued under this section against a person charged with an ordinance violation may be enforced by:

(1) filing a civil suit for the collection of a penalty assessed against the person; and

(2) obtaining an injunction that:

(A) prohibits specific conduct that violates the ordinance; or

(B) requires specific conduct necessary for compliance with the ordinance.

(k) A person who is found by a hearing officer to have violated an ordinance may appeal the determination by filing a petition in municipal court before the 31st day after the date the hearing officer's determination is filed. An appeal does not stay enforcement and collection of the judgment unless the person, before filing the appeal, posts a bond with an agency designated for that purpose by the municipality.

SECTION 10. Section 214.001, Local Government Code, is amended by amending Subsections (d) and (g) and adding Subsection (r) to read as follows:

(d) After the public hearing, if a building is found in violation of standards set out in the ordinance, the municipality may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The municipality also may order that the occupants be relocated within a reasonable time. If the owner does not take the ordered action within the allotted time, the

municipality shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The municipality shall personally deliver or send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:

(1) an identification, which is not required to be a legal description, of the building and the property on which it is located;

(2) a description of the violation of municipal standards that is present at the building; and

(3) a statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

(g) After the hearing, the municipality shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building. ~~[If a notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed as delivered.]~~

(r) When a municipality mails a notice in accordance with this section to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

SECTION 11. Subchapter A, Chapter 214, Local Government Code, is amended by adding Section 214.005 to read as follows:

Sec. 214.005. PROPERTY BID OFF TO MUNICIPALITY. A municipality may adopt an ordinance under Section 214.001(a) that applies to property that has been bid off to the municipality under Section 34.01(j), Tax Code.

SECTION 12. Section 214.0012(a), Local Government Code, is amended to read as follows:

(a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of a municipality issued under Section 214.001 may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered or mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

SECTION 13. Section 683.075, Transportation Code, is amended to read as follows:

Sec. 683.075. NOTICE. (a) The procedures for the abatement and removal of a public nuisance under this subchapter must provide not less than 10 days' notice of the nature of the nuisance. The notice [and] must be personally delivered or sent by certified mail with a five-day return requested to:

- (1) the last known registered owner of the nuisance;
- (2) each lienholder of record of the nuisance; and
- (3) the owner or occupant of:

(A) the property on which the nuisance is located; or

(B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and

(2) any request for a hearing must be made before that 10-day period expires.

(c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered [~~hand delivered~~].

(d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

SECTION 14. Subchapter E, Chapter 683, Transportation Code, is amended by adding Section 683.0765 to read as follows:

Sec. 683.0765. ALTERNATIVE PROCEDURE FOR ADMINISTRATIVE HEARING. A municipality by ordinance may provide for an administrative adjudication process under which an administrative penalty may be imposed for the enforcement of an ordinance adopted under this subchapter. If a municipality provides for an administrative adjudication process under this section, the municipality shall use the procedure described by Section 54.044, Local Government Code.

SECTION 15. Section 683.077(a), Transportation Code, is amended to read as follows:

(a) Procedures adopted under Section 683.074 or 683.0765 may not apply to a vehicle or vehicle part:

(1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

(A) maintained in an orderly manner;

(B) not a health hazard; and

(C) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

SECTION 16. The changes in law made by this Act apply only to a notice that is given on or after the effective date of this Act. A notice that is given before the effective date of this Act is governed by the law in effect immediately before the effective date, and that law is continued in effect for that purpose.

SECTION 17. (a) This Act takes effect September 1, 2001.

(b) The change in law made by this Act by the addition of Section 54.006, Local Government Code, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(c) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

**HB 1891 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative G. Lewis called up with senate amendments for consideration at this time,

**HB 1891**, A bill to be entitled An Act relating to insurers providing a written explanation of certain endorsements to insurance policies.

On motion of Representative G. Lewis, the house concurred in the senate amendments to **HB 1891**.

**Senate Committee Substitute**

**CSHB 1891**, A bill to be entitled An Act relating to insurers providing a written explanation of certain endorsements to insurance policies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 5, Insurance Code, is amended by adding Article 5.36 to read as follows:

Art. 5.36. WRITTEN EXPLANATION OF CERTAIN ENDORSEMENTS REQUIRED. An insurer may not use an endorsement to a policy form to which Article 5.35 of this code applies that reduces the amount of coverage, unless requested by the insured, that would otherwise be provided under the policy unless the insurer provides the policyholder with a written explanation of the change made by the endorsement before the effective date of the change.

SECTION 2. This Act takes effect September 1, 2001, and applies only to an endorsement used on or after January 1, 2002. An endorsement used before January 1, 2002, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

**HB 2258 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Maxey called up with senate amendments for consideration at this time,

**HB 2258**, A bill to be entitled An Act relating to the identification of certain nursing home residents having a mental illness or mental retardation.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 2258**.

**Senate Committee Substitute**

**CSHB 2258**, A bill to be entitled An Act relating to the identification of certain nursing home residents having a mental illness or mental retardation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 242, Health and Safety Code, is amended by adding Section 242.158 to read as follows:

Sec. 242.158. IDENTIFICATION OF CERTAIN NURSING HOME RESIDENTS REQUIRING MENTAL HEALTH OR MENTAL RETARDATION SERVICES. (a) The department shall identify each resident of a nursing home who has a mental illness or mental retardation after the resident has decided to make a transition to a community-based care setting and before the resident makes that transition, regardless of whether the resident is receiving treatment or services for a mental illness or mental retardation.

(b) The department shall use identification processes to identify residents as required by this section that are at least as effective as the Preadmission Screening and Resident Review mental illness or mental retardation identification process.

(c) The department shall compile and provide to the Texas Department of Mental Health and Mental Retardation information regarding each resident identified as having a mental illness or mental retardation after the resident decides to make a transition from the nursing home to a community-based care setting and before the resident makes that transition.

(d) The Texas Department of Mental Health and Mental Retardation shall use the information provided under Subsection (c) to:

(1) determine the need for and funding levels of mental health and mental retardation services for residents making a transition from a nursing home to a community-based care setting;

(2) provide mental health or mental retardation services to an identified resident after the resident makes that transition; and

(3) refer an identified resident to a local mental health or mental retardation authority or private provider for additional mental health or mental retardation services.

(e) This section does not authorize the department to decide for a resident of a nursing home that the resident will make a transition from the nursing home to a community-based care setting.

SECTION 2. This Act takes effect September 1, 2001.

### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **HB 2258** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter F, Chapter 242, Health and Safety Code, is amended by adding Section 242.158 to read as follows:

Sec. 242.158. IDENTIFICATION OF CERTAIN NURSING HOME RESIDENTS REQUIRING MENTAL HEALTH OR MENTAL RETARDATION SERVICES. (A) Each resident of a nursing home who is considering making a transition to a community-based care setting shall be identified to determine the presence of a mental illness or mental retardation, regardless of whether the resident is receiving treatment or services for a mental illness or mental retardation.

(b) In identifying residents having a mental illness or mental retardation, the department shall use an identification process that is at least as effective as the mental health and mental retardation identification process established by federal law. The results of the identification process may not be used to prevent a resident from remaining in the nursing home unless the nursing home is unable to provide adequate care for the resident.

(c) The department shall compile and provide to the Texas Department of Mental Health and Mental Retardation information regarding each resident identified as having a mental illness or mental retardation before the resident makes a transition from the nursing home to a community-based care setting.

(d) The Texas Department of Mental Health and Mental Retardation shall use the information provided under Subsection (c) solely for the purposes of:

(1) determining the need for and funding levels of mental health and mental Retardation services for residents making a transition from a nursing home to a community-based care setting;

(2) providing mental health or mental Retardation services to an identified resident after the resident makes that transition; and

(3) referring an identified resident to a local mental health or mental Retardation authority or private provider for additional mental health or mental Retardation services.

(e) This section does not authorize the department to decide for a resident of a nursing home that the resident will make a transition from the nursing home to a community-based care setting.

SECTION 2. This Act takes effect September 1, 2001.

## **HB 2345 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Naishtat called up with senate amendments for consideration at this time,

**HB 2345**, A bill to be entitled An Act relating to the specialized telecommunications assistance program.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 2345**.

### **Senate Committee Substitute**

**CSHB 2345**, A bill to be entitled An Act relating to the specialized telecommunications assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.151, Utilities Code, is amended to read as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM. The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall establish a specialized telecommunications assistance program to provide financial assistance to individuals with disabilities that impair the individuals' ability to effectively access the telephone network to assist ~~enable~~ the individuals with the ~~to~~ purchase of basic specialized equipment or services to provide the individuals with telephone network access that is functionally equivalent to that enjoyed by individuals without disabilities. The agencies may adopt joint rules that identify devices and services eligible for vouchers under the program.

SECTION 2. Section 56.152, Utilities Code, is amended to read as follows:

Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf and Hard of Hearing by rule shall prescribe eligibility standards for individuals, including deaf individuals and individuals who have an impairment of



hearing or speech, to receive an assistance voucher under the program. To be eligible, an individual must be a resident of this state with a disability that impairs the individual's ability to effectively access the telephone network ~~[who has access to a telephone line in the individual's home or place of business]~~.

SECTION 3. Sections 56.153(a), (d), (e), and (f), Utilities Code, are amended to read as follows:

(a) The Texas Commission for the Deaf and Hard of Hearing shall determine a reasonable price for a basic specialized telecommunications device that permits, or basic specialized services that permit, ~~[to provide]~~ telephone network access ~~[from a home or business]~~ and distribute to each eligible applicant a voucher that guarantees payment of that amount to a distributor of new specialized telecommunications devices described by Section 56.151 or to a provider of services described by that section. The Texas Commission for the Deaf and Hard of Hearing may issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need.

(d) An individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before the fifth ~~seventh~~ anniversary of the date the individual exchanged the previously issued voucher unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability.

(e) Except as provided by rules adopted under this subsection, an ~~An~~ individual is not eligible for a voucher if the Texas Commission for the Deaf and Hard of Hearing has issued a voucher for a device or service to another individual with the same type of disability in the individual's household. The Texas Commission for the Deaf and Hard of Hearing by rule may provide for financially independent individuals who reside in a congregate setting to be eligible for a voucher regardless of whether another individual living in that setting has received a voucher ~~[for a device or service to serve the same telephone line]~~.

(f) The Texas Commission for the Deaf and Hard of Hearing shall:  
[~~(1) process each application for a voucher to~~] determine eligibility of each person who files an application for a voucher and issue ~~[the applicant; and~~

[~~(2) give~~] each eligible applicant an appropriate ~~a~~ voucher ~~[on payment of a \$35 fee]~~.

SECTION 4. Subchapter E, Chapter 56, Utilities Code, is amended by adding Section 56.156 to read as follows:

Sec. 56.156. PROMOTION OF PROGRAM. The Texas Commission for the Deaf and Hard of Hearing may promote the program established under this subchapter by means of participation in events, advertisements, pamphlets, brochures, forms, pins, or other promotional items or efforts that provide contact information for persons interested in applying for a voucher under the program.

SECTION 5. Section 55.203, Utilities Code, is amended by adding Subsection (g) to read as follows:

(g) The rules adopted under Subsection (d) must provide that a telecommunications utility that publishes and distributes to the public a residential or business telephone directory shall list prominently in the directory the contact information for the specialized telecommunications assistance program established under Subchapter E, Chapter 56.

SECTION 6. The Public Utility Commission of Texas shall:

(1) as soon as is practicable after the effective date of this Act, adopt rules under Subchapter E, Chapter 56, Utilities Code, as amended by this Act, to conform the specialized telecommunications assistance program established under that subchapter to the changes in law made by this Act; and

(2) adopt rules under Section 55.203(g), Utilities Code, as added by this Act, promptly and make them apply to directories published on or after January 1, 2002.

SECTION 7. This Act takes effect September 1, 2001.

### **HB 2384 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Carter called up with senate amendments for consideration at this time,

**HB 2384**, A bill to be entitled An Act relating to certain firefighter and police officer employment matters in certain municipalities.

On motion of Representative Carter, the house concurred in the senate amendments to **HB 2384** by (Record 437): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Oliveira; Olivo; Pickett; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Dukes; Dutton; Farabee; Farrar; Flores; Jones, J.; Noriega; Pitts; Rangel; West; Wise.

**Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **HB 2384** as follows:

(1) In SECTION 1 of the bill, in proposed Section 143.3015(e), Local Government Code (senate committee report, page 1, line 37), between "adopted" and the period, insert "for fire fighters, police officers, or both".

(2) In SECTION 1 of the bill, in proposed Section 143.3015(f), Local Government Code (senate committee report, page 1, line 45), strike "fire fighters or police officers" and substitute "(insert fire fighters, police officers, or both, as applicable,)".

**HB 3450 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

**HB 3450**, A bill to be entitled An Act relating to the continuation and functions of the Texas Interagency Council for the Homeless.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 3450**.

**Senate Committee Substitute**

**CSHB 3450**, A bill to be entitled An Act relating to the continuation and functions of the Texas Interagency Council for the Homeless.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2306.001, Government Code, is amended to read as follows:

Sec. 2306.001. PURPOSES. The purposes of the department are to:

(1) assist local governments in:

(A) providing essential public services for their residents; and

(B) overcoming financial, social, and environmental problems;

(2) provide for the housing needs of individuals and families of low and very low income and families of moderate income;

(3) contribute to the preservation, development, and redevelopment of neighborhoods and communities, including cooperation in the preservation of government-assisted housing occupied by individuals and families of very low and extremely low income;

(4) assist the governor and the legislature in coordinating federal and state programs affecting local government; ~~and~~

(5) inform state officials and the public of the needs of local government; and

(6) serve as the lead agency for:

(A) addressing at the state level the problem of homelessness in this state;

(B) coordinating interagency efforts to address homelessness; and

(C) addressing at the state level and coordinating interagency efforts to address any problem associated with homelessness, including hunger.

SECTION 2. Section 2307.006, Government Code, is transferred to Subchapter K, Chapter 2306, Government Code, redesignated as Section 2306.256, and amended to read as follows:

Sec. 2306.256 [2307.006]. TRANSITIONAL [TRANSITION] HOUSING PILOT PROGRAM. (a) If funds are available, the department shall operate a transitional housing pilot program in four areas of the state.

(b) The program must address the needs of the homeless for:

- (1) interim housing;
- (2) physical and mental health services;
- (3) literacy training;
- (4) job training;
- (5) family counseling;
- (6) credit counseling;
- (7) education services; and
- (8) other services that will prevent homelessness.

SECTION 3. Sections 2307.001-2307.005 and 2307.008, Government Code, are transferred to Chapter 2306, Government Code, redesignated as Subchapter GG, and amended, and Subchapter GG, Chapter 2306, Government Code, is amended by adding Sections 2306.782, 2306.786, and 2306.787 to read as follows:

SUBCHAPTER GG. INTERAGENCY COUNCIL FOR THE HOMELESS

Sec. 2306.781. DEFINITION [2307.001. DEFINITIONS]. In this subchapter, "council" [chapter:

[(1) "Council"] means the Texas Interagency Council for the Homeless.

Sec. 2306.782. ADVISORY ROLE. (a) The Texas Interagency Council for the Homeless serves as an advisory committee to the department. The council may recommend policies to the board. The board must provide written justification for not accepting council recommendations and must consider council recommendations in preparing its low income housing plan under Section 2306.0721.

(b) The council is not subject to Chapter 2110.

[(2) "Department" means the Texas Department of Housing and Community Affairs.]

Sec. 2306.783 [2307.002]. MEMBERSHIP. (a) The Texas Interagency Council for the Homeless is composed of:

(1) one representative from each of the following agencies, appointed by the administrative head of that agency:

- (A) the Texas Department of Health;
- (B) the Texas Department of Human Services;
- (C) the Texas Department of Mental Health and Mental Retardation;
- (D) the Texas Department of Criminal Justice;
- (E) the Texas Department on Aging;
- (F) the Texas Rehabilitation Commission;
- (G) the Texas Education Agency;
- (H) the Texas Commission on Alcohol and Drug Abuse;
- (I) the Department of Protective and Regulatory Services;

(J) the Health and Human Services Commission;  
(K) the Texas Workforce Commission;  
(L) the Texas Youth Commission; and  
(M) the Texas Veterans Commission; and  
~~[(N) the workforce development division of the Texas Department of Commerce;]~~

(2) one representative from the office of the comptroller appointed by the comptroller;

(3) two representatives from the department, one each from the community affairs division and the housing finance division, appointed by the director; and

(4) three members representing service providers to the homeless, one each appointed by the governor, the lieutenant governor, and the speaker of the house of representatives.

(b) A member of the council serves at the pleasure of the appointing official or until termination of the member's employment with the entity the member represents.

(c) A member of the council must have:

(1) administrative responsibility for programs for the homeless or related services provided by the agency that the member represents; and

(2) authority to make decisions for and commit resources of the agency, subject to the approval of the administrative head of the agency.

Sec. 2306.784 [2307.003]. OPERATION OF COUNCIL. (a) The members of the council shall annually elect one member to serve as presiding officer.

(b) The council shall meet at least quarterly.

(c) An action taken by the council must be approved by a majority vote of the members present.

(d) The council may select and use advisors.

(e) The department shall provide clerical and advisory support staff to the council.

Sec. 2306.785 [2307.004]. DUTIES OF COUNCIL. The council shall:

(1) survey current resources for services for the homeless in this state;

(2) initiate an evaluation of the current and future needs for the services;

(3) assist in coordinating and providing statewide services for all homeless individuals in this state;

(4) increase the flow of information among separate providers and appropriate authorities;

(5) develop guidelines to monitor the provision of services for the homeless and the methods of delivering those services;

(6) provide technical assistance to the housing finance division of the department in assessing the need for housing for individuals with special needs in different localities;

(7) coordinate with the Texas Workforce Commission, local workforce development boards, homeless shelters, and public and private entities to provide homeless individuals information on services available to assist them in obtaining employment and job training;

(8) [(7)] establish a central resource and information center for the homeless in this state; and

(9) ensure that local or statewide nonprofit organizations perform the duties under this section that the council is unable to perform ~~[(8) develop, in cooperation with the department and the Health and Human Services Commission, a strategic plan to address the needs of the homeless in this state].~~

Sec. 2306.786. DUTIES OF STATE AGENCY COUNCIL MEMBERS. (a) Each agency represented on the council shall report to the department a standard set of performance data, as determined by the department, on the agency's outcomes related to homelessness.

(b) Each agency shall contribute resources to the council.

Sec. 2306.787. PUBLIC HEARINGS. (a) The council may hold, throughout the state, public hearings on homelessness issues.

(b) The department shall provide to the secretary of state for publication in the Texas Register a notice of the hearings and shall provide for the notice to be given in other appropriate sources, which may include:

(1) a newsletter published by a nonprofit organization addressing the problem of homelessness; or

(2) a local newspaper.

Sec. 2306.788 [2307.005]. REPORT. The council shall submit annually a progress report to the governing bodies of the agencies represented on the council.

Sec. 2306.789 [2307.008]. GIFTS AND GRANTS. The council may accept gifts and grants from a public or private source for use in carrying out the council's duties under this subchapter ~~[chapter]~~.

SECTION 4. Section 2307.007, Government Code, is repealed.

SECTION 5. This Act takes effect September 1, 2001.

### **SB 272 - VOTE RECONSIDERED**

Representative Averitt moved to reconsider the vote by which **SB 272** failed to pass to third reading.

The motion to reconsider prevailed.

### **SB 272 ON SECOND READING (Thompson - House Sponsor)**

**SB 272**, A bill to be entitled An Act relating to interest charges and other costs of certain loans.

Representative Thompson moved to postpone consideration of **SB 272** until 2 p.m. today.

The motion prevailed without objection.

### **SB 85 - MOTION TO RECONSIDER**

Representative Tillery moved to reconsider the vote by which **SB 85** failed to pass to third reading.

A record vote was requested.

The motion to reconsider failed by (Record 438): 68 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis;

Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, J.; Junell; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Telford; Thompson; Tillery; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Glaze; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Pitts; Ramsay; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Turner, B.; Walker; West; Williams; Wohlgemuth; Woolley; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Danburg; Gray.

### STATEMENT OF VOTE

When Record No. 438 was taken, I was temporarily out of the house chamber. I would have voted yes.

Danburg

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

#### **SB 1053 ON SECOND READING**

**(Chavez, P. Moreno, Haggerty, Pickett, Najera, et al. - House Sponsors)**

**SB 1053**, A bill to be entitled An Act relating to rates and expenditures under the Medicaid and state child health plan programs in the Texas-Mexico border region.

**SB 1053** was read second time on May 10 and was postponed until this time.

Representative Chavez moved to postpone consideration of **SB 1053** until 10 a.m. tomorrow.

The motion prevailed without objection.

#### **SB 1536 ON SECOND READING**

**(Chavez, Wohlgemuth, Telford, and Puente - House Sponsors)**

**SB 1536**, A bill to be entitled An Act relating to the establishment of pilot projects to demonstrate the applications of technology in providing certain services under the medical assistance program.

**SB 1536** was read second time on May 10 and was postponed until this time.

Representative Chavez moved to postpone consideration of **SB 1536** until 10 a.m. Thursday, May 17.

The motion prevailed without objection.

### **CSSB 7 ON SECOND READING**

**(Hinojosa, Thompson, Goodman, Shields, Keel, et al. - House Sponsors)**

**CSSB 7**, A bill to be entitled An Act relating to the period during which a person arrested is required to be taken before a magistrate and to the appointment and compensation of counsel to represent indigent persons accused of crime.

**CSSB 7** was read second time on May 10 and was postponed until this time.

Representative Hinojosa moved to postpone consideration of **CSSB 7** until 10 a.m. tomorrow.

The motion prevailed without objection.

### **MAJOR STATE CALENDAR SENATE BILLS SECOND READING**

The following bills were laid before the house and read second time:

### **CSSB 303 ON SECOND READING**

**(Gallego, Capelo, and Thompson - House Sponsors)**

**CSSB 303**, A bill to be entitled An Act relating to the functions of the State Commission on Judicial Conduct.

#### **Amendment No. 1**

Representative Gallego offered the following amendment to **CSSB 303**:

Amend **CSSB 303** as follows:

(1) In SECTION 5 of the bill, in added Section 33.0041, Government Code (house committee report, page 4, line 7), between "governor" and "and", insert ", the supreme court, the state bar,".

(2) In SECTION 5 of the bill, in added Section 33.0041, Government Code (house committee report, page 4, line 11), between "governor" and "and", insert ", the supreme court, the state bar,".

(3) In SECTION 5 of the bill, in added Section 33.0043(b), Government Code (house committee report, page 5, lines 8-12), strike Subdivision (7) and substitute the following:

"(7) the requirements of laws relating to public officials, including conflict-of-interest laws; and".

(4) In SECTION 6 of the bill, in amended Section 33.005(e), Government Code (house committee report, page 6, line 26), between "shall" and "publish", insert "periodically".

(5) In SECTION 6 of the bill, in amended Section 33.005(e), Government



Code (house committee report, page 6, line 27), strike "and summaries of sanctions" and substitute ", sanctions, and orders of additional education".

(6) In SECTION 12 of the bill, in added Section 33.022(l), Government Code (house committee report, page 11, line 12), strike "a policy that provides".

(7) In SECTION 17 of the bill, in the introductory language of the section (house committee report, page 14, line 17), between "33.037," and "and", insert "33.0371,".

(8) In SECTION 17 of the bill, in added Section 33.035(e), Government Code (house committee report, page 15, line 10), strike "a full" and substitute "an appropriate".

(9) In SECTION 17 of the bill, in added Section 33.036, Government Code (house committee report, page 15, line 23), strike "a court" and substitute "the supreme court".

(10) In SECTION 17 of the bill (house committee report, page 16, lines 2-8), strike added Section 33.037, Government Code, and substitute the following:

Sec. 33.037. SUSPENSION PENDING APPEAL. If a judge who is convicted of a felony or a misdemeanor involving official misconduct appeals the conviction, the commission shall suspend the judge from office without pay pending final disposition of the appeal.

Sec. 33.0371. AUTOMATIC REMOVAL. A judge is automatically removed from the judge's office if the judge is convicted of or is granted deferred adjudication for:

(1) a felony; or

(2) a misdemeanor involving official misconduct.

(11) In SECTION 19 of the bill (house committee report, page 17, line 15), in Subsection (a)(2), strike "a policy that provides hearing".

(12) In SECTION 20 of the bill (house committee report, page 18, lines 6-12), strike Subsection (a) and substitute the following:

(a) Section 33.001, Government Code, as amended by this Act, applies only to a complaint filed with the State Commission on Judicial Conduct on or after the effective date of this Act, regardless of whether the conduct or act that is the subject of the complaint occurred or was committed before, on, or after the effective date of this Act.

(13) In SECTION 20 of the bill, in Subsection (d) (house committee report, page 18, lines 25 and 26), strike "Section 33.037, Government Code, as added by this Act, applies" and substitute "Sections 33.037 and 33.0371, Government Code, as added by this Act, apply".

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Thompson offered the following amendment to **CSSB 303**:

Amend **CSSB 303**, as follows:

Strike SECTION 13 of the bill, and substitute the following:

SECTION 13. Subsections (a) and (b), Section 33.023, Government Code, are amended to read as follows:

(a) In any investigation or proceeding that involves ~~[involuntary retirement of a judge because of]~~ the physical or mental incapacity of a judge to discharge

the judge's duty, the commission may, upon a showing of good cause including written factual findings, order the judge to submit a physical or mental examination by one or more qualified physicians or a mental examination by one or more qualified psychologists selected and paid for by the commission. Prior to ordering the judge to submit to such examination, the commission shall consider any medical reports and evaluations by qualified physicians and psychologists selected by the judge.

(b) The commission shall give the judge written notice of the examination not later than 10 days before the date of the examination. The notice must include the physician's name and the date, time, and place of the examination. The examination must be in a city or town in which the judge permanently or temporarily resides, or at a location in the state to which the judge consents.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Thompson offered the following amendment to **CSSB 303**:

Amend **CSSB 303** as follows:

(1) On page 19, line 8, renumber SECTION 21 as "SECTION 22" and insert SECTION 21 as follows:

"SECTION 21. STATUTE OF LIMITATIONS. A disciplinary action against a judge or justice for a violation of the Code of Judicial Conduct must be brought not later than four years after the day the alleged misconduct occurred."

Amendment No. 3 was withdrawn.

**CSSB 303**, as amended, was passed to third reading.

### **CSSB 305 ON SECOND READING**

**(Bosse, Kuempel, McCall, Chisum, and Cook - House Sponsors)**

**CSSB 305**, A bill to be entitled An Act relating to the continuation and functions of the Parks and Wildlife Department.

### **Amendment No. 1**

Representative Seaman offered the following amendment to **CSSB 305**:

Amend **CSSB 305** as follows:

(1) In SECTION 4 of the bill, in the introductory language (house committee report, page 2, line 6), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) In SECTION 4 of the bill, between the introductory language and added Subsection (d), Section 11.012, Parks and Wildlife Code (house committee report, page 2, between lines 6 and 7), insert the following:

(d) One commission member must reside in the coastal area as defined by Section 33.004, Natural Resources Code.

(3) In SECTION 4 of the bill, in added Subsection (d), Section 11.012, Parks and Wildlife Code (house committee report, page 2, line 7), strike "(d)" and substitute "(e)".

(4) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. If no person meeting the requirement established by Subsection (d), Section 11.012, Parks and Wildlife Code, as added by this Act, is serving on the Parks and Wildlife Commission on February 1, 2003, the governor shall appoint a person meeting the requirement established by Subsection (d), Section 11.012, Parks and Wildlife Code, as added by this Act, for a term beginning February 1, 2003.

Representative Bosse moved to table Amendment No. 1.

The motion to table prevailed.

#### **Amendment No. 2**

Representative Y. Davis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) after Section 17 of the bill (page 11, between lines 25 and 26), by inserting the following:

(c) At least once each year, the state auditor shall audit the fund-raising activities performed under this section. The audit shall disclose who has raised money for the department and the amount of money each person has raised. The state auditor shall annually report the results of the audit to the presiding officer of each house of the legislature and of each committee having primary jurisdiction over the department. Each member of the legislature may access the report.

Amendment No. 2 was withdrawn.

#### **Amendment No. 3**

Representative Y. Davis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) after Section 17 of the bill (page 11, between lines 25 and 26), by inserting the following:

(c) At least once each biennium, the state auditor shall audit the fund-raising activities performed under this section. The audit shall disclose who has raised money for the department and the amount of money each person has raised. The state auditor shall annually report the results of the audit to the presiding officer of each house of the legislature and of each committee having primary jurisdiction over the department. Each member of the legislature may access the report.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Puente offered the following amendment to **CSSB 305**:

Amend **CSSB 305**, in SECTION 17 of the bill, added Section 11.0182, Parks and Wildlife Code, on page 11, between lines 25 and 26, House Committee Printing, by adding Subsection (c) to read as follows:

(c) Policies adopted by the commission under Subsection (a) are public information and available to the public under Chapter 552, Government Code.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Bosse offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee report) by adding the following appropriately numbered section to the bill and renumbering the remaining sections of the bill appropriately:

SECTION \_\_\_\_\_. Section 11.033, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.033. **USE OF GAME, FISH, AND WATER SAFETY ACCOUNT; RESTRICTION ON USE OF MONEY FROM HUNTING AND FISHING LICENSES.** (a) Money in the game, fish, and water safety account may be used for the following purposes:

(1) enforcement of fish, shrimp, and oyster laws, game laws, and laws pertaining to sand, shell, and gravel;

(2) dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

(3) scientific investigation and survey of marine life for the better protection and conservation of marine life;

(4) establishment and maintenance of fish hatcheries, fish sanctuaries, tidal water fish passes, wildlife management areas, and public hunting grounds;

(5) propagation and distribution of marine life, game animals, and wild birds;

(6) protection of wild birds, fish, and game;

(7) purchase, repair, and operation of boats and dredges;

(8) research, management, and protection of the fish and wildlife resources of this state, including alligators and fur-bearing animals;

(9) salaries of employees and other expenses necessary to carry out the duties of the department under laws relating to fish, shrimp, oysters, game, water safety, and sand, shell, and gravel;

(10) expansion and development of additional opportunities of hunting and fishing in state-owned land and water;

(11) removing rough fish from public water;

(12) administration and enforcement of the water safety laws as set out in Chapter 31;

(13) purchasing all necessary forms and supplies, including reimbursement of the department for any material produced by its existing facilities or work performed by other divisions of the department;

(14) purchase, construction, and maintenance of boat ramps on or near public waters as provided in Chapter 31;

(15) resource protection activities; and

(16) any other use provided by law.

(b) The department may use money from license fees paid by hunters and fisherman only for the administration of the department.

Amendment No. 5 was withdrawn.

#### **Amendment No. 6**

Representative Hill offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House Committee Report) by adding the following section and renumbering subsequent sections appropriately:

SECTION 22. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0275 to read as follows:

Sec. 11.0275. PROHIBITION ON ALCOHOL AND TOBACCO ADVERTISING AND PARTICIPATION. (a) In this section, "publication" includes the publication of a book, magazine, photograph, poster, bulletin, or fishing or hunting regulation guide.

(b) The department may not accept an advertisement that promotes the sale of tobacco or alcoholic beverages in a publication sponsored or published by the department.

(c) A public service advertisement to educate the public regarding the risks associated with alcoholic beverages is not considered an advertisement that promotes the sale of alcoholic beverages under Subsection (b). The advertisement may not contain a promotion focused on a product or use a brand identifier or alcohol product logo. The advertisement may use a corporate logo that does not use a brand identifier or alcohol product logo.

(d) The commission shall adopt rules regarding the types of:

(1) persons who may sponsor or promote department events;

(2) events that the department will allow persons to promote or sponsor;

(3) advertisements that qualify as public service advertisements regarding the risks associated with alcoholic beverages; and

(4) logos that may be used in public service advertisements.

Representative Bosse moved to table Amendment No. 6.

The motion to table prevailed.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Sadler requested permission for the conference committee on **HB 3343** to meet while the house is in session.

Permission to meet was granted without objection.

### RULES SUSPENDED

Representative Hinojosa moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 1453**.

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, upon noon recess today, Desk 71, for a formal meeting.

Criminal Jurisprudence, upon noon recess today, speakers committee room, for a formal meeting, to consider pending bills and **SB 1453**.

Conference committee on **HB 3343** 2 p.m. today, E1.030.

Pensions and Investments, upon noon recess today, Desk 80, for a formal meeting, to consider **SB 1569**.

Transportation, upon noon recess today, Desk 25, for a formal meeting.

**RECESS**

Representative Bosse moved that the house recess until 1:30 p.m. today. The motion prevailed without objection.

The house accordingly, at 12:06 p.m., recessed until 1:30 p.m. today.

**AFTERNOON SESSION**

The house met at 1:30 p.m. and was called to order by the speaker.

**RULES SUSPENDED**

Representative Gray moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 1041** at its regularly posted meeting on May 16.

The motion prevailed without objection.

**HB 1641 - VOTE RECONSIDERED**

Representative Bosse moved to reconsider the vote by which the house concurred in senate amendments to **HB 1641**.

The motion to reconsider prevailed.

**HB 1641 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative Bosse moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1641**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1641**: Rangel, chair, F. Brown, Morrison, Farabee, and J. Jones.

**CSSB 305 - (pending business)****Amendment No. 7**

Representative Y. Davis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) by striking Section 22 of the bill (page 14, line 24 through page 15, line 24) and renumbering the remaining sections of the bill appropriately.

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

**CSSB 305 - (consideration continued)**

Representative Bosse moved to table Amendment No. 7.

The motion to table was lost.

Amendment No. 7 was adopted without objection.

**Amendment No. 8**

Representative B. Turner offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee report) in SECTION 24 of the bill, proposed Section 11.104(a)(2), Parks and Wildlife Code (page 17, line 10), after "resources", by striking "in" and substituting "of".

Representative Bosse moved to table Amendment No. 8.

The motion to table prevailed.

**Amendment No. 9**

Representatives Junell and B. Turner offered the following amendment to **CSSB 305**:

Amend **CSSB 305** as follows: On page 18, line 22, strike "Sections 11.104 and 11.105 do" and substitute "This subchapter does".

Representative Bosse moved to table Amendment No. 9.

The motion to table prevailed.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 3343**:

Marchant on motion of R. Lewis.

Pitts on motion of R. Lewis.

Tillery on motion of R. Lewis.

Hochberg on motion of R. Lewis.

Sadler on motion of R. Lewis.

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Junell on motion of Pickett.

**CSSB 305 - (consideration continued)****Amendment No. 10**

Representative Y. Davis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) in Section 26 of the bill, by striking proposed Section 11.206(b), Parks and Wildlife Code (page 23, lines 24-27), and substituting the following:

(b) At least once each biennium, the state auditor shall audit, as provided by Section 321.013, Government Code, each nonprofit partner's financial transactions involving, and financial records relating to, state and private money held by the nonprofit partner including expenditures. The state auditor shall annually report the results of the audit to the presiding officer of each house of the legislature and of each committee having primary jurisdiction over the department. Each member of the legislature may access the report.

Amendment No. 10 was adopted without objection.

**Amendment No. 11**

Representative Y. Davis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by striking lines 1-5 on page 24. (proposed Sec. 11.207, Parks and Wildlife Code).

Amendment No. 11 was adopted.

**Amendment No. 12**

Representative B. Turner offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee report) following SECTION 27 of the bill (page 25, between lines 14 and 15) by adding a new SECTION 28 to read as follows and renumbering existing SECTION 28 and subsequent SECTIONS of the bill appropriately:

SECTION 28. Section 12.0251(a), Parks and Wildlife Code, is amended to read as follows:

(a) Except as provided by this section, information is not subject to Chapter 552, Government Code, and may not be disclosed to any person or group, including a state or federal agency, if the information is collected by the department in response to a landowner request relating to the specific location, species identification, or quantity of any animal or plant life that is:

- (1) protected by this code; and
- (2) located on private land that:

(A) is subject to a wildlife management plan developed cooperatively with the department for private land; or

(B) is the subject of a recommendation report prepared by the department for the landowner.

Amendment No. 12 was adopted without objection.

**Amendment No. 13**

Representative Martinez Fischer offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by adding a new section as follows:

Section 12.703, Parks and Wildlife Code, is amended to read as follows:

Section 12.703. Point-of-Sale System

(a) The department may issue a license, stamp, tag, permit, or another similar item authorized by this code through the use of automated equipment and a point-of-sale system.

(b) The department may designate an entity to install the system for the issuance of licenses, stamps, permits, tags, or other similar items. A designated entity may collect revenue for the department from license deputies.

(c) The commission by rule may set the amount of compensation for a point-of-sale entity. The compensation may include an amount to be retained by the entity from the fee collected for each item issued to the entity. The rules must specify standards for the licenses, including the legibility of the license.

Amendment No. 13 was adopted without objection.



**Amendment No. 14**

Representative Smithee offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (house committee printing) as follows:

(1) Insert the following new SECTION, appropriately numbered, and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_. (a) Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0041 to read as follows:

Sec. 13.0041. USE OF CERTAIN BOND REVENUE. The department shall, if practicable, apportion at least fifteen percent of any money received by the department from the proceeds of the sale of bonds issued under Section 50-f, Article III, Texas Constitution, to specific park maintenance or improvement projects for which matching private or local money for the specific state park and wildlife projects has been made available to the department.

(b) This section takes effect only if the constitutional amendment proposed by **HJR 97**, 77th Legislature, Regular Session, 2001, is approved by the voters. If the proposed constitutional amendment is not approved by the voters, this section has no effect.

(2) In SECTION 51 of the bill (page 36, line 22), strike "This" and substitute "Except as otherwise provided by this Act, this".

Amendment No. 14 was adopted without objection.

**Amendment No. 15**

Representative Solis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee report) by adding the following appropriately numbered Section to the bill and renumbering the remaining Sections of the bill appropriately:

SECTION \_\_. Subchapter D, Chapter 61, Parks and Wildlife Code, is amended by adding Section 61.105 to read as follows:

Sec. 61.105. TIMING OF PUBLIC HEARINGS THAT AFFECT COMMERCIAL SHRIMPING. (a) In this section, "commercial shrimping activity" means an activity for which a license is required under Chapter 77.

(b) The commission may not hold a public hearing on a matter that affects a commercial shrimping activity during the 60-day period in which that activity is most active.

Amendment No. 15 was adopted without objection.

(Merritt in the chair)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important family business in the district:

Williams on motion of Denny.

**CSSB 305 - (consideration continued)****Amendment No. 16**

Representative Solis offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee report) as follows:

(1) In Section 37 of the bill, in added Section 77.005(b), Parks and Wildlife Code (page 31, line 25), strike "and".

(2) In Section 37 of the bill, in added Section 77.005(b), Parks and Wildlife Code (page 31, line 26), after "resources" and before the period, insert:

;  
(5) the comptroller regarding economic data; and

(6) independent research organizations regarding biological data

Amendment No. 16 was adopted without objection.

#### **Amendment No. 17**

Representative Hilderbran offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by adding appropriately numbered SECTIONS to the bill to read as follows and renumbering the remaining SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 43.151, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.151. THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE. (a) A person who has evidence clearly showing that wildlife protected by this code is causing serious damage to agricultural, horticultural, or aquicultural interests or other property, or is a threat to public safety, and who desires to kill the protected wildlife shall give written notice of the facts to the county judge of the county or to the mayor of the municipality in which the damage or threat occurs.

(b) The county judge or mayor, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse or city hall, as applicable, and shall notify the department of the location of the property where the damage or threat is occurring, the type of damage or nature of the threat, and the name of the applicant.

SECTION \_\_\_\_\_. Section 43.152, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.152. DEPARTMENT INSPECTION. On receiving notice from a county judge or mayor, the department shall inspect the property and determine if damage or a threat to public safety is occurring as alleged in the notice. If the damage or threat is occurring, the department shall make recommendations to the person as are feasible and appropriate for controlling the damage or threat.

SECTION \_\_\_\_\_. Section 43.154(b), Parks and Wildlife Code, is amended to read as follows:

(b) The department shall deliver the permit, if issued, to the county judge or mayor that sent the notice of damage or threat. The permit may not be delivered earlier than 24 hours after the notice from the county judge or mayor was received by the department.

Amendment No. 17 was adopted without objection.

#### **Amendment No. 18**

Representative Noriega offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter A, Chapter 89, Parks and Wildlife Code, is amended by adding Section 89.005 to read as follows:

Sec. 89.005. USE OF BRIDGES, TUNNELS, AND CAUSEWAYS. (a) The department, in cooperation with the Texas Department of Transportation and local governments, shall use obsolete bridges, tunnels, and causeways to create artificial reefs under this chapter.

(b) The department may receive from the Texas Department of Transportation the transfer of obsolete bridges, tunnels, and causeways to create artificial reefs.

(c) The department may provide assistance, including money, to a local government to fulfill the purposes of this section.

(d) Any money appropriated to the department for the artificial reef program under this chapter may be used for the purposes of this section.

Amendment No. 18 was adopted without objection.

#### **Amendment No. 19**

Representative B. Turner offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) as follows:

- (1) In Section 46(b) of the bill (page 35, line 7), strike "or".
- (2) In Section 46(b) of the bill (page 35, line 8), strike "(3) are of statewide significance" and substitute:
  - (3) are of statewide significance; or
  - (4) are approved by the Parks and Wildlife Commission.

Amendment No. 19 was adopted without objection.

#### **Amendment No. 20**

Representative Isett offered the following amendment to **CSSB 305**:

Amend **CSSB 305** as follows:

(1) Add an appropriately numbered section to read as follows:  
SECTION \_\_\_\_\_. (a) In this section, "department" means the Parks and Wildlife Department.

(b) The department shall study the effect of high fences on the deer population in this state, including:

- (1) migration patterns of the deer;
- (2) the price of hunting deer; and
- (3) any other appropriate game management issues.

(c) Not later than October 1, 2002, the department shall report on the findings of the study to the:

- (1) lieutenant governor;
- (2) speaker of the house of representatives; and
- (3) chair of each committee of the legislature with primary responsibility over the department.

(2) Renumber the sections of the bill.

Amendment No. 20 was withdrawn.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 3343**:

Ehrhardt on motion of Hopson.

**CSSB 305 - (consideration continued)****Amendment No. 21**

Representative Burnam offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by inserting the following appropriately numbered sections and renumbering the remaining sections appropriately:

SECTION \_\_\_\_\_. Subchapter E, Chapter 31, Natural Resources Code, is amended by adding Sections 31.1575 and 31.1576 to read as follows:

Sec. 31.1575. INFORMATION TO AND REVIEW BY PARKS AND WILDLIFE DEPARTMENT. (a) Not later than the 120th day before the date of a proposed sale, each state agency must notify the Parks and Wildlife Department of any proposed sale of real property owned by the state.

(b) Not later than the 60th day after the date of receiving notification under Subsection (a), the Parks and Wildlife Department shall complete a review of the land proposed for sale to determine its value to the state for conservation or recreation purposes.

Sec. 31.1576. MEMORANDUM OF UNDERSTANDING WITH PARKS AND WILDLIFE DEPARTMENT. The Parks and Wildlife Department and the land office shall enter into a memorandum of understanding that authorizes the Parks and Wildlife Department to review the conservation and recreational value of any real property owned by the state that the division recommends for sale.

SECTION \_\_\_\_\_. The change in law made by Section 31.1575, Parks and Wildlife Code, as added by this Act, applies only to state real property offered for sale on or after the effective date of this Act.

Representative Bosse moved to table Amendment No. 21.

The motion to table prevailed.

**Amendment No. 22**

Representative Eiland offered the following amendment to **CSSB 305**:

Amend **CSSB 305** (House committee printing) as follows:

(1) In Section 5 of the bill, in amended Section 11.0121, Parks and Wildlife Code (page 2, line 13), between "QUALIFICATIONS." and "A", insert "(a)".

(2) In Section 5 of the bill, after amended Section 11.0121, Parks and Wildlife Code (page 3, between lines 4 and 5), insert:

(b) A person may not be a member of the commission if the person has contributed more than \$5,000 to the governor.

Representative Bosse moved to table Amendment No. 22.

The motion to table prevailed.

**Amendment No. 23**

Representative Kuempel offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by inserting the following appropriately numbered section and by renumbering any remaining sections appropriately.

SECTION \_\_\_\_\_. Chapter 31, Parks and Wildlife Code, is amended by adding Subsection (f) to Section 31.006 to read as follows:

(f) The commission may adopt rules for the creation of a program for the continuing identification and classification of participants in the vessel and outboard motor industries doing business in this state. The commission may set fees to administer this subsection. Information from the program will be used by the department in the appointment of agents under this section or for any other purpose required by the commission's rules or this chapter.

Amendment No. 23 was adopted without objection.

**Amendment No. 24**

Representatives Merritt and Chisum offered the following amendment to **CSSB 305**:

Amend **CSSB 305** by adding the following appropriately numbered sections and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 26.129, Water Code, is amended to read as follows:

Sec. 26.129. DUTY OF PARKS AND WILDLIFE DEPARTMENT. The Parks and Wildlife Department and its authorized employees shall enforce the provisions of this chapter to the extent that any violation affects aquatic life and wildlife as provided in Section 7.109 [~~26.124(b) of this code~~].

SECTION \_\_\_\_\_. Section 7.109(a), Water Code, is amended to read as follows:

(a) If it appears that a violation or a threat of violation of Section 26.121 or 26.050 or a rule, permit, or order of the commission has occurred or is occurring that affects aquatic life or wildlife, the Parks and Wildlife Department, in the same manner as the commission under this chapter, may have a suit instituted in a district court for injunctive relief or civil penalties, or both, as authorized by this subchapter, against the person who committed or is committing or threatening to commit the violation.

SECTION \_\_\_\_\_. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.050 to read as follows:

Sec. 26.050. PROHIBITION ON CERTAIN USES OF GASOLINE CONTAINING METHYL TERTIARY BUTYL ETHER. (a) After September 1, 2004, the Parks and Wildlife Department shall ensure that a person may not operate a waterborne craft, including a boat, motorboat, or personal watercraft, with an internal combustion propulsion system using gasoline containing methyl tertiary butyl ether on any surface water body in this state if the gasoline contains methyl tertiary butyl ether in an amount intended to meet the requirements of a reformulated gasoline under Section 211(k) of the federal Clean Air Act (42 U.S.C. Section 7545).

(b) Subsection (a) does not apply to:

(1) the use of a gasoline that contains some amount of methyl tertiary butyl ether but that is a conventional gasoline under Section 211(k) of the federal Clean Air Act (42 U.S.C. Section 7545); or

(2) the use of a gasoline containing methyl tertiary butyl ether in an area designated as a nonattainment area under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407) if the use of reformulated gasoline is required by federal law and that requirement may be met by the use of methyl tertiary butyl ether.

Amendment No. 24 was adopted without objection.

**CSSB 305**, as amended, was passed to third reading.

### **POSTPONED BUSINESS**

The following bill was laid before the house as postponed business:

#### **SB 272 ON SECOND READING (Thompson - House Sponsor)**

**SB 272**, A bill to be entitled An Act relating to interest charges and other costs of certain loans.

**SB 272** was read second time on May 14 and failed to pass to third reading. The vote by which **SB 272** failed to pass to third reading was reconsidered earlier today and **SB 272** was postponed until this time.

**SB 272** was passed to third reading. (Howard and Shields recorded voting no)

#### **SB 272 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE AVERITT: Thank you, Mr. Speaker. Members, I moved that we reconsider the vote on **SB 272** because we had, I think, some confusion yesterday about what this bill actually does. There are two very important components of this bill that we need to understand what we're doing. First of all, Representative Sylvester Turner's amendment stays on the bill. We have that bill that was voted in the amendment, into the bill yesterday and that amendment is sustained in the bill that we are reconsidering today. The other thing that we need to understand, though, members is that this bill does away with the Rule of 78. The Rule of 78 front-loads interest on these small loans and when we are front-loading the interest like that, the consumers are paying, the preponderance of their payments are going towards interest rather than principal. And when we do that, we have created an incentive for the finance companies to roll these loans over, do refinances, things of that nature. So what the net effect of that is, is that the consumers are paying an even higher rate than what they thought that they were going to be paying. So by abolishing the Rule of 78, members, we are allowing the consumers to pay a simple interest fee so that there is no incentive, no reason for the finance companies to roll these loans over, and therefore protecting the consumers against hidden finance charges. The other thing, members, that you need to consider is that our consumers are going to pay these rates anyway, either through a Texas company or through a company that is based outside of the State of Texas. And if they're based outside of the State of Texas, which a large number of them already are, and more are moving in that direction, and our consumers have no place to go in the event that they have a problem with their loan. Good luck to trying to deal with the controller of

the currency in trying to deal with an unscrupulous lender. They don't have the manpower, resources, or the will to deal with those types of problems. That is what our consumer credit commission is for, and as long as these companies are regulated in Texas, as long as they're here, our consumers have a place to go to be protected in the event of a problem with their loans. So with those simple reasons in mind, members, I would ask that you reconsider your position on this bill. It's a good bill for our consumers.

REPRESENTATIVE HAWLEY: Mr Speaker?

CHAIR (Representative Merritt in the chair): Representative Hawley.

HAWLEY: Will the gentleman yield?

CHAIR: Yes, the gentleman yields.

HAWLEY: Thank you. Chairman Averitt, I had visited with some of my constituents about this and want to ask you, does this, if we pass this legislation, do we guarantee or do we help ensure that a certain market niche exists for some consumers who might not have another market niche available?

AVERITT: Yes, Representative Hawley, that's correct. What we're doing here is trying to protect a niche in the market that certain people need. Now, it's my contention that that niche is always going to be filled by someone, it's either going to be a company regulated by our own state regulators, or someone who's not regulated by state regulators at all.

HAWLEY: So is it your opinion then that we better serve that niche market by keeping those regulations within the State of Texas?

AVERITT: Very much so. Give our consumers some place to go in case they have a problem.

HAWLEY: Appreciate it, thank you.

AVERITT: Thank you.

CHAIR: Anyone else wish to speak for or against **SB 272**? Chairwoman Thompson to close.

REPRESENTATIVE THOMPSON: Mr. Speaker, members, I want to add I noticed the sheet was passed out by the legislative study group and I want to emphasize this. That this bill has nothing to do with payday loans. It has nothing to do with sale lease back loans and it has nothing to do with car title loans. What we're going to be doing in addition to that, we're going to be eliminating the administrative fee that is nominally charged at \$25 twice a year. They're going to be able to charge it only once a year.

REPRESENTATIVE S. TURNER: Mr Speaker?

CHAIR: Representative Turner.

S. TURNER: Would Chairman Thompson yield?

THOMPSON: I will.

CHAIR: Thompson? She yields.

S. TURNER: Okay, Chairman Thompson, just on two things and we talked about it earlier. The Rule of 78...

THOMPSON: ...would be abolished under my bill.

S. TURNER: So the Rule of 78 will not exist in **SB 272**?

THOMPSON: That is correct. It is eliminating the Rule of 78.

S. TURNER: Okay, and then with respect to the amendment that we put on yesterday, that amendment is still on...?

THOMPSON: For the third time, yes.

S. TURNER: Okay, and if it goes to conference, both Rule 78 and the amendment will stay on.

THOMPSON: If it would go to conference committee, we have no intention of taking your amendment off, and the Rule of 78 would not reappear. The bill itself, before your amendment ever went on, abolishes the Rule of 78.

S. TURNER: Thank you, Madam Chairman.

### **REMARKS ORDERED PRINTED**

Representative Luna moved to print remarks on **SB 272**.

The motion prevailed without objection.

### **MAJOR STATE CALENDAR**

**(consideration continued)**

### **CSSB 310 ON SECOND READING**

**(Chisum, R. Lewis and Bosse - House Sponsors)**

**CSSB 310**, A bill to be entitled An Act relating to the continuation and functions of the Railroad Commission of Texas.

#### **Amendment No. 1**

Representative Counts offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (House committee printing) as follows:

(1) In SECTION 6 of the bill, in added Section 81.055(a), Natural Resources Code (page 10, lines 4-5), strike "commission shall" and substitute "legislature may".

(2) In SECTION 6 of the bill, in added Section 81.055(b), Natural Resources Code (page 10, line 13), strike "commission" and substitute "legislature".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Kitchen offered the following amendment to **CSSB 310**:

Amend **CSSB 310** on page 10 between SECTIONS 6 and 7 of the bill by inserting the following section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.056 to read as follows:

Sec. 81.056. PIPELINE CONSTRUCTION AND OPERATION PUBLIC



NOTIFICATION REQUIREMENTS. (a) Subsections (b) and (c) apply only to a part of a pipeline system that crosses more than three counties for which construction began after September 1, 2001.

(b) A pipeline operator must publish notice in a newspaper of general circulation in each county with a population greater than 10,000 that contains part of the proposed route of the pipeline system. The notice shall be published in the form prescribed by the commission and include the location of the beginning and end points of the proposed part of the system and a listing of each state or federal highway that will be crossed by the proposed part of the system. The notice must be published at least thirty days but no more than one year before the start of construction.

(c) Before approving any permit for the operation of a pipeline required by this chapter or the rules adopted under it, the commission must:

(1) certify that at least ninety days but no more than one year before the date the commission approves the permit the person requesting the permit has provided a copy of the application to:

(A) the county judge of each county that contains part of the proposed route;

(B) the county fire marshal in each county that contains part of the proposed route, if such office has been established by that county; and

(C) the regional water planning group established by Sec. 16.053, Texas Water Code, in each regional water planning area that contains part of the proposed route; and

(2) review and consider comments from members of the public regarding the project for which the permit is being requested.

(Nixon now present)

### **Amendment No. 3**

Representative Menendez offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Kitchen to **CSSB 310** in Subsection (c)(1)(A), Section 81.056, Natural Resources Code, as added by the amendment (page 2, line 2), between "county judge" and "of each county", by inserting "and commissioners".

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

### **Amendment No. 4**

Representative R. Lewis offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (House Committee Printing) as follows:

(1) In SECTION 9 of the bill, in amended Subsection 85.2021, Natural Resources Code (page 12, line 6), strike "requested" and substitute "required".

(4) In SECTION 23 of the bill, at the end of added Subdivision (5), Subsection (g), Section 91.142, Natural Resources Code (page 30, line 18), strike "and".

(5) In SECTION 23 of the bill, in added Subdivision (6), Subsection (g), Section 91.142, Natural Resources Code, between "\$1,000" and the period (page 30, line 24), insert the following:  
; and

(7) for an entity not currently performing operations under the jurisdiction of the commission, \$300

(6) In SECTION 25 of the bill, in added Subchapter O, Chapter 91, Natural Resources Code, between Sections 91.651 and 91.652 (page 31, between lines 26 and 27), insert the following section, renumber the subsequent sections, and correct the cross-references to those sections accordingly:

Sec. 91.652. PURPOSE. The purpose of the voluntary cleanup program is to provide an incentive to remediate property by removing the liability to the state of lenders, developers, owners, and operators who did not cause or contribute to contamination released at the site covered by the certificate. The program does not replace other voluntary actions and is restricted to voluntary actions.

(7) In SECTION 25 of the bill, in added Subsection (a), Section 91.660, Natural Resources Code (page 40, line 4), strike "hazardous".

(8) In SECTION 44 of the bill, in added Subdivision (1), Section 113.351, Natural Resources Code (page 63, lines 16-21), strike Paragraphs (A) and (B) and substitute the following:

(A) an entity created under the laws of this state and accredited by the Texas Education Agency under Subchapter D, Chapter 39, Education Code;

(B) a private elementary or secondary school, other than a school in a residence; or

(C) a state or regional school for the blind and visually impaired or the deaf under Chapter 30, Education Code.

(9) In SECTION 68 of the bill, in Subsection (d) of the section (page 84, line 11), strike "2001-2002" and substitute "2002-2003".

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Farabee offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (corrected House committee report) by striking SECTIONS 15-19 of the bill (beginning on page 17, line 13, through page 22, line 8), substituting an appropriately numbered new SECTION to the bill to read as follows, and appropriately renumbering subsequent SECTIONS of the bill:

SECTION \_\_. (a) Section 91.104, Natural Resources Code, is amended to read as follows:

Sec. 91.104. FINANCIAL SECURITY REQUIRED FOR INACTIVE OPERATORS AND CERTAIN ACTIVE OPERATORS. (a) A person required to file a bond or alternate form of financial security under Section 91.103 who is an inactive operator or who operates one or more land wells and is not involved in any other activities that require the filing of a bond or alternate form of financial security must file a bond, a letter of credit, or a cash deposit at the time of filing or renewing an organization report required by Section 91.142 in an amount equal to:

(1) \$25,000, if the person operates not more than 10 wells;  
(2) \$50,000, if the person operates at least 11 but not more than 100 wells; or

(3) \$250,000, if the person operates more than 100 wells.

(b) In addition to the financial security requirements of Subsection (a), a person required to file a bond or alternate form of financial security under Section 91.103 who operates one or more bay or offshore wells must file the bond, letter of credit, or cash deposit at the time of filing or renewing an organization report required by Section 91.142 in a reasonable amount established by commission rule that exceeds the amount provided by Subsection (a)(1), (2), or (3), as applicable.

(c) An operator seeking to assume operatorship of an active or inactive well must file a bond, letter of credit, or cash deposit in the appropriate amount under this section before the commission may approve the transfer of operatorship. A transfer of a well from one entity to another entity under common operatorship is a transfer for purposes of this subsection.

(d) The bond, letter of credit, or cash deposit amounts prescribed by this section may be used only for actual well plugging and surface remediation.

~~[BONDS AND ALTERNATE FORMS OF FINANCIAL SECURITY. (a) The commission shall require a bond or an alternate form of financial security to be filed with the commission as provided by Subsection (b) of this section:~~

~~[(b) A person required to file a bond under Section 91.103 may choose to file:~~

~~[(1) an individual bond as provided under Section 91.1041;~~

~~[(2) a blanket bond as provided under Section 91.1042;~~

~~[(3) a nonrefundable annual fee of \$100, if the person can demonstrate to the commission an acceptable record of compliance with all commission rules, orders, licenses, permits, or certificates that relate to safety or the prevention or control of pollution for the previous 48 months and the person and, if a firm, partnership, joint stock association, corporation, or other organization, its officers, directors, general partners, or owners of more than 25 percent ownership interest or any trustee:~~

~~[(A) has no outstanding violations of such commission rules, orders, licenses, permits, or certificates;~~

~~[(B) has paid all administrative, civil, and criminal penalties, if any, relating to any violation of such commission rules, orders, licenses, permits, or certificates; and~~

~~[(C) has paid all reimbursements of any costs and expenses incurred by the commission in relation to any violation of such commission rules, orders, licenses, permits, or certificates;~~

~~[(4) a nonrefundable annual fee equal to three percent of the bond that otherwise would be required; or~~

~~[(5) to give a first lien on tangible personal property associated with oil and gas production whose salvage value equals the value of an individual bond under Section 91.1041 or the value of a blanket bond under Section 91.1042 that otherwise would be required.~~

~~[(c) A person who chooses to file a form of financial security other than a bond shall also submit a fee of \$100 for each application to extend the time to plug a well in accordance with Section 85.2021 of this code.]~~

(b) Section 91.109, Natural Resources Code, is amended to read as follows:

Sec. 91.109. FINANCIAL SECURITY FOR PERSONS INVOLVED IN ACTIVITIES OTHER THAN OPERATION OF WELLS ~~[DISPOSAL SITE BOND]~~. (a) A person applying for or acting under a commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste may be required by the commission to maintain a performance bond or other form of financial security conditioned that the permittee will operate and close the storage, handling, treatment, reclamation, or disposal site in accordance with state law, commission rules, and the permit to operate the site. However, this section does not authorize the commission to require a bond or other form of financial security for saltwater disposal pits, emergency saltwater storage pits (including blow-down pits), collecting pits, or skimming pits provided that such pits are used in conjunction with the operation of an individual oil or gas lease. Subject to the refund provisions of Section 91.1091 of this code, proceeds from any bond or other form of financial security required by this section shall be placed in the oil-field cleanup fund. Each bond or other form of financial security shall be renewed and continued in effect until the conditions have been met or release is authorized by the commission.

(b) In addition to the financial security requirements of Subsection (a) and Section 91.104(b), a person required to file a bond or alternate form of financial security under Section 91.103 who is involved in activities other than the operation of wells must file the bond, letter of credit, or cash deposit at the time of filing or renewing an organization report required by Section 91.142 in an amount equal to:

(1) \$250,000; or

(2) a lesser amount determined by the commission if the person is able to demonstrate that the risk associated with an operation or group of operations warrants a lesser amount.

(c) The changes in law made by Sections 91.104(a) and (b) and 91.109, Natural Resources Code, as amended by this section, apply only to a person required on or after September 1, 2004, to file a bond or alternate financial security under Section 91.103, Natural Resources Code. A person required to file a bond or alternate financial security under that section before that date is governed by the law in effect on the date the bond or security is required to be filed, and the former law is continued in effect for that purpose. The changes made by Section 91.104(c), Natural Resources Code, as added by this section, apply on or after the effective date of this Act to a person required by that section to file a bond, letter of credit, or cash deposit.

#### **Amendment No. 6**

Representative Hawley offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Farabee, in the SECTION of the bill added by the amendment, by striking Subsection (c) of the section (page 4, lines 18-29) and substituting the following:

(c) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39,

Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2001.

(d) The changes in law made by Sections 91.104(a) and (b) and 91.109, Natural Resources Code, as amended by this section, apply only to a person required on or after the effective date of this section to file a bond or alternate financial security under Section 91.103, Natural Resources Code. A person required to file a bond or alternate financial security under that section before that date is governed by the law in effect on the date the bond or security is required to be filed, and the former law is continued in effect for that purpose. The changes made by Section 91.104(c), Natural Resources Code, as added by this section, apply on or after the effective date of this section to a person required by that section to file a bond, letter of credit, or cash deposit.

Amendment No. 6 was adopted without objection.

Amendment No. 5, as amended, was adopted without objection.

#### **Amendment No. 7**

Representative R. Lewis offered the following amendment to **CSSB 310**:

Amend **CSSB 310** between SECTIONS 10 and 11 of the bill (House Committee Printing page 13, between lines 15 and 16) by inserting the following section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION \_\_. Section 89.011, Natural Resources Code, is amended to read as follows:

Sec. 89.011. DUTY OF OPERATOR. (a) The operator of a well shall properly plug the well when required and in accordance with the commission's rules that are in effect at the time of the plugging.

(b) If useable quality water zones are present, the operator shall verify the placement of the plug at the base of the deepest fresh water zone required to be protected. The well is considered to have been properly plugged only when the verification is satisfactory and meets commission requirements.

(c) If, for the use of the surface owner, the operator of the well plugs the well back to produced fresh water, the duty of the operator to properly plug the well ends only when:

(1) the well has been properly plugged in accordance with commission requirements; and

(2) the surface owner has obtained a permit for the well from the groundwater conservation district, if applicable.

(d) Subsections (b) and (c) apply only to wells plugged on or after the effective date of this Act.

(e) The duty of a person to plug an unplugged well that has ceased operation ends only if the person's interest in the well is sold or conveyed while the well is in compliance with rules of the commission relating to safety or the prevention or control of pollution and the provisions of Sections 89.002(a)(2)(A)-(D) have been met. The person acquiring the seller's interest through such a sale or conveyance succeeds the seller as the operator of the well for the purpose of plugging responsibility once the provisions of Sections 89.002(a)(2)(A)-(D) have been met.

Amendment No. 7 was adopted without objection.

**Amendment No. 8**

On behalf of Representative Williams, Representative Chisum offered the following amendment to **CSSB 310**:

Amend **CSSB 310** as follows:

(1) In SECTION 20 of the bill, strike the introductory language (House Committee Printing page 22, lines 9-11) and substitute the following:

SECTION 20. Section 91.111, Natural Resources Code, is amended by amending Subsections (b) and (c) and adding Subsections (e) and (f) to read as follows:

(2) In SECTION 20 of the bill, in amended Section 91.111(c), Natural Resources Code, strike Subdivisions (23) and (24) (House Committee Printing page 24, lines 6-8) and substitute the following:

(23) two-thirds of the fees collected under Section 81.0521;

(24) the proceeds of loans made to or other indebtedness incurred by the commission; and

(25) legislative appropriations.

(3) In SECTION 20 of the bill, after added Section 91.111(e), Natural Resources Code (House Committee Printing page 24, between lines 16 and 17), insert the following:

(f) The commission may obtain loans or incur other indebtedness the proceeds of which are to be deposited in the oil-field cleanup fund only if all the members of the commission vote to find that an emergency exists that justifies incurring the indebtedness and if the commission notifies the lieutenant governor, speaker of the house of representatives, and Legislative Budget Board of the commission's intent to incur the debt. A debt incurred under this subsection is payable only from money deposited in the oil-field cleanup fund other than legislative appropriations.

(4) In SECTION 21 of the bill, in amended Section 91.112(a), Natural Resources Code, strike Subdivisions (5) and (6) (House Committee Printing page 25, lines 14-17) and substitute the following:

(5) implementing the voluntary cleanup program under Subchapter O;

(6) preparing the report required under Subsection (b); and

(7) repaying a loan made to or other indebtedness incurred by the commission the proceeds of which have been deposited to the credit of the fund.

Amendment No. 8 was withdrawn.

**Amendment No. 9**

Representative Chisum offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (House committee printing) as follows:

(1) In the recitation of SECTION 22 of the bill, between "91.1131" and "and" (page 26, line 24), insert ", 91.1132,".

(2) In SECTION 22 of the bill, in the heading of added Section 91.1131, Natural Resources Code (page 26, lines 26-27), strike "PRIORITIZATION OF HIGH-RISK WELLS".

(3) In SECTION 22 of the bill, in added Section 91.1131(a), Natural Resources Code (page 26, line 27), strike "shall" and substitute "may".

(4) In SECTION 22 of the bill, in added Section 91.1131(c), Natural Resources Code (page 27, line 16), strike "(c)" and substitute:

Sec. 91.1132. PRIORITIZATION OF HIGH-RISK WELLS.

Amendment No. 9 was adopted without objection.

#### **Amendment No. 10**

Representative Farabee offered the following amendment to **CSSB 310**:

Amend **CSSB 310** as follows:

(1) Strike the recital to SECTION 34 of the bill (page 54, line 27 through page 55, line 1, corrected committee report printing), and substitute the following:

"SECTION 34. Section 113.097, Natural Resources Code, is amended by amending Subsections (d) and (h) and by adding Subsection (l) to read as follows:"

(2) In Section 113.097, Natural Resources Code, as amended by SECTION 34 of the bill, insert a new Subsection (l) (page 55, between lines 14 and 15, corrected committee report printing), to read as follows:

(l) Notwithstanding any other provision of this subchapter, a licensee complies with the workers' compensation insurance requirements of this subchapter if the licensee is a client company of a staff leasing services company regulated under Chapter 91, Labor Code, and the staff leasing company obtains workers' compensation insurance coverage under Section 91.042, Labor Code. For purposes of this section, the staff leasing services company and the licensee are co-employers as provided by the Labor Code.

Amendment No. 10 was adopted without objection.

#### **Amendment No. 11**

Representative Kitchen offered the following amendment to **CSSB 310**:

Amend **CSSB 310** as follows:

(1) Between SECTIONS 52 and 53 of the bill (House Committee Printing page 73, between lines 23 and 24), insert the following section, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION \_\_. Subchapter B, Chapter 117, Natural Resources Code, is amended by adding Section 117.016 to read as follows:

Sec. 117.016. REPLACEMENT OF PIPE. (a) Before an intrastate or interstate pipeline system that was originally used to transport crude oil may be used to transport petroleum products, the owner or operator of the system must replace with new pipe each part of the system that:

(1) was constructed before January 1, 1970; and

(2) passes over or under public drinking water supplies, state-owned natural resources, or critical groundwater resources, is located within 1,250 feet of a school, or passes through an area in which the principal land use is for private residences.

(b) An owner or operator of a pipeline system is not required to comply with Subsection (a) if the commission certifies, after review, that the part of the system does not pose a significant risk to public drinking water supplies, state-owned natural resources, critical groundwater resources, or public safety.

(c) The commission may issue a certification under Subsection (b) without holding a hearing unless an affected person, as determined by commission rule, files a written request for a hearing.

(2) In SECTION 68 of the bill, between Subsections (d) and (e) (House Committee Printing page 84, between lines 13 and 14), insert the following subsection, appropriately lettered, and reletter the subsequent subsections accordingly:

(\_) Section 117.016, Natural Resources Code, as added by this Act, applies only to a pipeline system that begins operation as a pipeline transporting petroleum products on or after the effective date of this Act.

(Ehrhardt now present)

Representative Pickett moved to table Amendment No. 11.

The motion to table prevailed.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

West on motion of R. Lewis.

Heflin on motion of R. Lewis.

Coleman on motion of R. Lewis.

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Gallego on motion of R. Lewis.

The following member was granted leave of absence for the remainder of today because of important business:

Deshotel on motion of Martinez Fischer.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 4:30 p.m. today, speakers committee room, for a formal meeting.

### **CSSB 310 - (consideration continued)**

#### **Amendment No. 12**

Representative Kitchen offered the following amendment to **CSSB 310**:

Amend **CSSB 310** as follows:

(1) Strike SECTIONS 54 and 55 of the bill (house committee printing, page 75, line 17 through page 76, line 2) and renumber subsequent SECTIONS of the bill appropriately.



(2) In SECTION 57 of the bill, strike the third sentence in added Section 102.006(a), Utilities Code (house committee printing, page 77, beginning at the end of line 3 through line 5).

Amendment No. 12 was adopted without objection.

### **Amendment No. 13**

Representative S. Turner offered the following amendment to **CSSB 310**:

Amend **CSSB 310** by adding the following appropriately numbered SECTION to the bill to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_. Subchapter A, Chapter 102, Utilities Code, is amended by adding Section 102.0015 to read as follows:

Sec. 102.0015. GAS UTILITIES THAT ARE AFFILIATES OF ELECTRIC UTILITIES. (a) In this section, "electric utility" has the meaning assigned by Section 31.002.

(b) This section applies to a gas utility that is an affiliate of an electric utility that serves the same service area as the gas utility. The railroad commission has all jurisdiction necessary to adopt rules and issue orders under this section that are applicable to all gas utilities described by this jurisdiction over the utility, and to enforce those rules and orders throughout the service area of the gas utility.

(c) At least annually, the railroad commission shall hold a public hearing to consider and adopt rules and orders applicable to a gas utility described by Subsection (b) that relate to:

- (1) customer protections;
- (2) service quality standards;
- (3) prevention of anti-competitive practices; and
- (4) the gas utility's relationship with its affiliated electric utility.

(d) The railroad commission may consult with the Public Utility Commission of Texas as necessary to consider and adopt rules and orders under this section and to enforce those rules and orders.

### **Amendment No. 14**

Representative S. Turner offered the following amendment to Amendment No. 13:

Amend the S. Turner amendment to **CSSB 310** in Section 102.0015, Utilities Code, as added by the amendment, by inserting new Subsections (d)-(f) and renumbering existing Subsections of the amendment accordingly:

(d) Not later than October 1, 2001, the railroad commission shall hold a hearing as required by Subsection (c). At the hearing, the railroad commission shall consider:

- (1) the effect that customer choice under Chapter 39 has had on a gas utility described by Subsection (b);
- (2) whether an affiliated electric utility has received excess mitigation under Chapter 39; and
- (3) whether a gas utility has directly benefitted from that excess mitigation, if any.

(e) The railroad commission shall determine that an affiliated electric

utility has received excess mitigation under Chapter 39 if the Public Utility Commission of Texas has made such a finding. The railroad commission shall determine that the affiliated gas utility has directly benefitted from that excess mitigation if the railroad commission determines that the affiliated electric utility has not returned to residential customers at least 50 percent of the excess mitigation identified by the Public Utility Commission of Texas and allocable to those residential customers.

(f) If the railroad commission determines that the affiliated gas utility has directly benefitted from the excess mitigation, the railroad commission shall order the affiliated gas utility to apply an amount equal to 50 percent of the excess mitigation allocable to residential customers as a credit to the gas utility's residential customers throughout the service region who are also residential customers of its affiliated electric utility. The railroad commission shall order the gas utility to apply the credit to residential customer bills not later than December 31, 2001.

(Speaker in the chair)

(Gallego and Pitts now present)

Representative Chisum raised a point of order against further consideration of Amendment No. 14 under Rule 11, Sections 2 and 3 of the House Rules on the grounds that the amendment to the amendment is not germane and would change the original purpose of the bill.

### **INTRODUCTION OF GUEST**

The speaker recognized Representative Gallego, who introduced Juan Hernandez, director of Mexico's office for Mexicans living abroad.

(Sadler now present)

### **CSSB 310 - (consideration continued)**

The point of order was withdrawn.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Gallego on motion of R. Lewis.

### **CSSB 310 - (consideration continued)**

(Tillery now present)

A record vote was requested.

Amendment No. 14 failed of adoption by (Record 439): 36 Yeas, 93 Nays, 3 Present, not voting.

Yeas — Bailey; Burnam; Counts; Davis, Y.; Dukes; Edwards; Ehrhardt; Elkins; Farrar; Flores; Giddings; Gray; Hawley; Hodge; Jones, E.; Jones, J.; Kitchen; Lewis, G.; Longoria; Luna; Maxey; McClendon; Menendez; Moreno, P.; Naishtat; Olivo; Pickett; Rangel; Ritter; Smith; Thompson; Tillery; Turner, S.; Wilson; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Driver; Dutton; Eiland; Ellis; Farabee; Garcia; George; Geren; Glaze; Goodman; Goolsby; Green; Haggerty; Hamric; Hardcastle; Hartnett; Hilderbran; Hill; Hinojosa; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Martinez Fischer; McCall; McReynolds; Merritt; Miller; Moreno, J.; Morrison; Mowery; Najera; Nixon; Oliveira; Pitts; Puente; Ramsay; Raymond; Reyna, E.; Salinas; Seaman; Shields; Smithee; Solis; Solomons; Swinford; Talton; Truitt; Turner, B.; Uher; Villarreal; Walker; Wise; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C); Gutierrez; Noriega.

Absent, Excused — Deshotel; Hilbert; Williams.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Hochberg; Junell; Marchant; West.

Absent — Bosse; Corte; Dunnam; Grusendorf; Reyna, A.; Sadler; Telford; Uresti.

(Marchant now present)

Amendment No. 13 was withdrawn.

#### **Amendment No. 15**

Representative R. Lewis offered the following amendment to **CSSB 310**:

Amend **CSSB 310** in SECTION 59 of the bill, in proposed Section 103.003(c), Utilities Code (House Committee Printing, page 78, line 17), by striking "before the railroad commission".

(Kuempel in the chair)

Amendment No. 15 was adopted without objection.

#### **Amendment No. 16**

Representative Kitchen offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (house committee report, page 78, line 22 through page 79, line 2) by striking SECTION 60 of the bill and renumbering the subsequent sections appropriately.

Representative R. Lewis moved to table Amendment No. 16.

The motion to table prevailed.

#### **Amendment No. 17**

Representative Merritt offered the following amendment to **CSSB 310**:

Amend **CSSB 310** by inserting the following new appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ Subchapter C, Chapter 105, Utilities Code, is amended by adding Section 105.052 to read as follows:

Sec. 105.052. REIMBURSEMENT OF REASONABLE COSTS. (a) To the extent the regulatory authority determines the costs are reasonable, a gas utility shall reimburse the costs of an affected person or a municipality that is a party to a proceeding that results from a complaint filed against the utility under Section 105.051 to the extent the affected person or party is successful in prosecuting the complaint before a regulatory authority or a court.

(b) Costs for which an affected person or a municipality may receive reimbursement under this section include any reasonable expenses related to the investigation, preparation, and prosecution of the complaint, including the reasonable costs of consultants, accountants, auditors, attorneys, and engineers.

(c) For purposes of this section, an affected person or a municipality may recover reasonable costs not yet paid because payment has been deferred pending a determination of reasonableness by the regulatory authority.

(d) Notwithstanding any other provision of this subtitle, a gas utility may not recover any amounts paid as reimbursement under this section as or through a charge to the utility's customers.

SECTION \_\_\_\_\_. Section 105.052, Utilities Code, as added by this Act, applies only to a complaint filed with a regulatory authority under Section 105.051, Utilities Code, on or after September 1, 2001.

Amendment No. 17 was adopted without objection.

#### **Amendment No. 18**

Representative Kitchen offered the following amendment to **CSSB 310**:

Amend **CSSB 310** (House committee report) as follows:

- (1) Strike SECTION 63 of the bill (page 79, line 22 through page 80, line 12).
- (2) Renumber the sections of the bill appropriately.

Representative R. Lewis moved to table Amendment No. 18.

The motion to table prevailed.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

#### **CSSB 310 - (consideration continued)**

#### **Amendment No. 19**

Representative Craddick offered the following amendment to **CSSB 310**:

Amend **CSSB 310** by amending SECTION 64 of the bill as follows:

- (1) On page 81, lines 1-2, strike "the following efforts" and substitute "an effort".
- (2) On page 81, line 3, insert the following after "officials" and before the colon: "by one of the following methods".
- (3) On page 81, line 8, strike "and" and substitute "or".
- (4) On page 81, lines 14-15, strike "the following efforts" and substitute "an effort".
- (5) On page 81, line 16, insert the following after "officials" and before the colon: "by one of the following methods".
- (6) On page 81, line 21, strike "and" and substitute "or".

Amendment No. 19 was adopted without objection.

**Amendment No. 20**

Representative B. Turner offered the following amendment to **CSSB 310**:

Amend **CSSB 310** by adding the following appropriately numbered SECTIONS to the bill, and appropriately renumbering subsequent SECTIONS of the bill:

SECTION \_\_\_\_\_. The heading to Subchapter J, Chapter 121, Utilities Code, is amended to read as follows:

SUBCHAPTER J. TESTING OF NATURAL GAS PIPING  
SYSTEMS IN SCHOOL ~~[DISTRICT]~~ FACILITIES

SECTION \_\_\_\_\_. Subchapter J, Chapter 121, Utilities Code, is amended by adding Section 121.5005 to read as follows:

Sec. 121.5005. APPLICABILITY. This subchapter applies to a facility of a public elementary or secondary school, including a charter school, or a private elementary or secondary school, but does not apply to a home school.

SECTION \_\_\_\_\_. Sections 121.501-121.506, Utilities Code, are amended to read as follows:

Sec. 121.501. DEFINITION. In this subchapter, "supplier" means an individual or company that sells and delivers natural gas to a school ~~[district]~~ facility. If more than one individual or company sells and delivers natural gas to a school facility ~~[of a school district]~~, each individual or company is a supplier for purposes of this subchapter.

Sec. 121.502. DUTY TO PRESSURE TEST. (a) A person responsible for a school facility ~~[Each school district]~~ shall perform biennial pressure tests on the natural gas piping system in the ~~[each]~~ school ~~[district]~~ facility. The ~~[school district shall perform the]~~ tests must be performed before the beginning of the school year.

(b) A person responsible for more than one school facility ~~[The school district]~~ may perform the tests on a two-year cycle under which the person ~~[district]~~ pressure tests the natural gas piping system in approximately one-half of the facilities each year.

(c) If the person responsible for ~~[a school district operates]~~ one or more school facilities operates the ~~[district]~~ facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

(d) A natural gas piping pressure test performed under a municipal code satisfies the pressure testing requirements prescribed by this section.

Sec. 121.503. REQUIREMENTS OF TEST. (a) The person responsible for a school facility ~~[school district]~~ shall perform the pressure test to determine whether the natural gas piping downstream of the school facility's ~~[district's]~~ meter holds at least normal operating pressure over a specified period determined by the railroad commission.

(b) During the pressure test, each system supply inlet and outlet in the school facility must be closed.

(c) At the request of a person responsible for a school facility ~~[school district]~~, the railroad commission shall assist the person ~~[district]~~ in developing a procedure for conducting the test.

Sec. 121.504. NOTICE OF TEST. (a) A person responsible for a school facility ~~[school district]~~ shall provide written notice to the school's ~~[district's natural gas]~~ supplier specifying the date and result of each pressure test or other inspection.

(b) The supplier shall maintain a copy of the notice until at least the first anniversary of the date on which the supplier received the notice.

Sec. 121.505. TERMINATION OF SERVICE. (a) A supplier shall terminate service to a school [district] facility if:

(1) the supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or

(2) ~~[the district fails to perform]~~ a test or other inspection at the facility is not performed as required by this subchapter.

(b) A supplier is not liable for any damages that result from a failure to terminate service as required by Subsection (a)(2) for a facility other than a school district facility.

Sec. 121.506. REPORT OF LEAKAGE [TO BOARD OF TRUSTEES]. An identified natural gas leakage in a school district facility must be reported to the board of trustees of the district in which the facility is located. An identified natural gas leakage in another school facility must be reported to the person responsible for the school facility.

Amendment No. 20 was adopted without objection.

#### **Amendment No. 21**

Representative Walker offered the following amendment to **CSSB 310**:

Amend **CSSB 310** between SECTIONS 66 and 67 (House committee printing, page 83, between lines 11 and 12), by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION 1. (a) Not later than September 1, 2002, the Railroad Commission of Texas shall locate, identify, and inventory by location, type, current use, number, and approximate size all pits and quarries located in this state that are or have been used for the mining or extraction of aggregates, as defined by Section 133.003, Natural Resources Code.

(b) Notwithstanding Subsection (a), the commission is not required to locate, identify, and inventory pits and quarries that are:

(1) five acres or smaller; and

(2) used by a governmental entity for road construction.

(c) The commission may use aerial photography as one method to identify the pits and quarries.

(d) Not later than November 1, 2002, the commission shall submit a report detailing its findings under this section to the governor, the lieutenant governor, and the speaker of the house of representatives.

(e) The commission shall use existing personnel and resources in complying with this section.

Amendment No. 21 was adopted without objection.

#### **Amendment No. 22**

Representative Swinford offered the following amendment to **CSSB 310**:

Amend **CSSB 310** between SECTIONS 66 and 67 (House committee printing, page 83, between lines 11 and 12) by inserting the following

appropriately numbered SECTION and renumbering the subsequent SECTION accordingly:

SECTION \_\_. (a) The Railroad Commission of Texas, in conjunction with the following entities, shall conduct a comprehensive study of the economic effect of fuel ethanol and biodiesel production in this state:

(1) the Department of Agriculture;

(2) the state energy conservation office of the office of the comptroller;

(3) the Texas Department of Economic Development;

(4) the Office of Rural Community Affairs, if legislation establishing that office is enacted by the 77th Legislature, Regular Session, 2001, and becomes law; and

(5) the Agriculture Policy Board, if legislation establishing that board is enacted by the 77th Legislature, Regular Session, 2001, and becomes law.

(b) Not later than January 1, 2003, the Railroad Commission of Texas shall file a report of the study with the governor, the lieutenant governor, and the speaker of the house of representatives.

Amendment No. 22 was adopted without objection.

**CSSB 310**, as amended, was passed to third reading.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1074 ON THIRD READING**

**(Thompson, Hinojosa, P. King, Naishtat, et al. - House Sponsors)**

**SB 1074**, A bill to be entitled An Act relating to the prevention of racial profiling by certain peace officers.

**Amendment No. 1**

On behalf of Representative Gallego, Representative P. King offered the following amendment to **SB 1074**:

Amend **CSSB 1074** on 3rd Reading by adding the following appropriately numbered SECTION to the bill and renumbering the existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 143.027, Local Government Code, is amended to read as follows:

Sec. 143.027. PROBATIONARY PERIOD. (a) Except as provided by Subsection (b), a [A] person appointed to a beginning position in the fire or police department must serve a probationary period of one year beginning on that person's date of employment as a fire fighter, police officer, or academy trainee.

(b) In a municipality with a population of less than 1.5 million, a person who is appointed to a beginning position in the police department and who has not been commissioned as a peace officer in this state before that appointment must serve a probationary period of 18 months rather than the 12-month

period described by Subsection (a), with the purpose of the extended probationary period being to determine whether the person is in compliance with the employing department's policy on racial profiling established as required by Article 2.132, Code of Criminal Procedure. A person's probation period begins on that person's date of employment as a police officer or academy trainee.

(c) [(b)] During a fire fighter's or police officer's probationary period, the department head shall discharge the person and remove the person from the payroll if the person's was not regular and was not made in accordance with this chapter or the commission rules.

(d) [(c)] During a fire fighter's or a police officer's probationary period, the person may not be prohibited from joining or required to join and employee organization. Joining or not joining an employee organization is not a ground for retaining or not retaining a fire fighter or police officer serving a probationary period.

(e) [(d)] A fire fighter or police officer who was appointed in substantial compliance with this chapter with this chapter and who serves the entire probationary period automatically becomes a full-fledged civil service employee and has full civil service protection.

(b) The change in law made by this section to Section 143.027, Local Government Code, regarding the probationary period of certain police officers in a municipality with a population of less than 1.5 million applies only to the probationary period of a person appointed to a beginning position in a police department on or after the effective date of this Act. The probationary period of a person appointed to a beginning position in a police department before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

**SB 1074**, as amended, was passed. (Howard recorded voting no)

#### **SB 450 ON THIRD READING (Gallego - House Sponsor)**

**SB 450**, A bill to be entitled An Act relating to the computation of average daily attendance in certain school districts that experience a decline in attendance.

**SB 450** was passed.

#### **SB 414 ON THIRD READING (Eiland and Seaman - House Sponsors)**

**SB 414**, A bill to be entitled An Act relating to the regulation of certain insurance agents and to the consolidation of insurance agent licenses; providing penalties.

**SB 414** was passed.

#### **SB 1444 ON THIRD READING (Walker - House Sponsor)**

**SB 1444**, A bill to be entitled An Act relating to the general powers and authority of water districts; providing a penalty.



**Amendment No. 1**

Representative Walker offered the following amendment to **SB 1444**:

Amend **CSSB 1444** on third reading on page 18, line 6, by adding a new Section 23 as follows and renumbering subsequent sections as necessary:

SECTION 23. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.0211 to read as follows:

Sec. 101.0211. NO LIABILITY FOR JOINT ENTERPRISE. The common law doctrine of vicarious liability because of participation in a joint enterprise does not impose liability on a water district created pursuant to either Sections 52 (b) (1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created, for a claim brought under this chapter.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Counts offered the following amendment to **SB 1444**:

Amend **SB 1444** on third reading by adding a new appropriately numbered SECTIONS to the bill to read as follows:

SECTION \_\_. Sections 4.03(a) and (b), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, are amended to read as follows:

(a) The authority may establish fees, rates, and charges, and classifications of fee and rate payers, as necessary to enable the authority to fulfill the authority's purposes and regulatory obligations provided by this Act.

(b) The authority may charge against the owner of a well located in the authority's boundaries a fee on the amount of water pumped from the well. The board shall establish the rate of a fee under this subsection only after a special meeting on the fee. The board shall by rule exempt from the fee under this subsection those classes of wells that are not subject to groundwater reduction requirements imposed by the subsidence district, except that if an of those classes of wells become subject at a future date to a groundwater reduction requirement imposed by the subsidence district, then the authority may after that date charge the fee under this subsection to those affected classes of wells. The board by rule may exempt any other classes of wells from the fee under this subsection. The board may not apply the fee to a well:

(1) with a casing diameter of less than five inches that serves a single-family dwelling;

(2) regulated under Chapter 27, Water Code;

(3) used for irrigation of agricultural crops; or

(4) ~~[that produces 10 million gallons or less annually; or~~

~~(5)]~~ used solely for electric generation.

SECTION \_\_. Section 4.06(a), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

(a) The authority may:

(1) acquire and provide by purchase, gift, ~~[or]~~ lease, contract, or any other legal means, a water treatment or supply system, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, or any interest in those assets, inside of or outside of the authority's boundaries;

(2) design, finance, or construct a water treatment or supply system, or any other supply systems, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, and provide water services inside of or outside of the authority's boundaries;

(3) maintain, operate, lease, or sell a water treatment or supply system, or any other works, plants, improvements, or facilities necessary or convenient to accomplish the purposes of the authority, that the authority constructs or acquires inside of or outside of the authority's boundaries; and

(4) contract with any person to operate or maintain a water treatment or supply system the person owns.

(Hochberg now present)

Amendment No. 2 was adopted without objection.

A record vote was requested.

**SB 1444**, as amended, was passed by (Record 440): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Kuempel(C).

Absent, Excused — Deshotel; Hilbert; Williams.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Giddings.

(G. Lewis in the chair)

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 507 ON SECOND READING**  
**(Dutton - House Sponsor)**

**CSSB 507**, A bill to be entitled An Act relating to residential subdivisions that require membership in a property owners' association.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill, at the end of the heading to added Chapter 209, Property Code (House Committee Report, page 1, lines 7-8) insert "OR WINONAH BLEVINS RESIDENTIAL PROPERTY OWNERS PROTECTION ACT".

(2) In SECTION 1 of the bill, in added Section 209.001, Property Code, between "Texas Residential Property Owners Protection Act" and the period (House Committee Report, page 1, line 10), insert "or Winonah Blevins Residential Property Owners Protection Act".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representatives Nixon and Danburg offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill, in added Section 209.002(8), Property Code (House Committee Report, page 3, line 1), between "the" and "restrictions", insert "original".

(2) In SECTION 1 of the bill, in added Section 209.002(10), Property Code (House Committee Report, page 3, line 18), between "records" and the period, insert "that are approved by the owners who own in the aggregate at least 75 percent of the lots in the residential subdivision or that are approved in accordance with the restrictions governing the residential subdivision".

(3) In SECTION 1 of the bill, in added Section 209.006, Property Code (House Committee Report, page 6, line 15), between "owner" and the period, insert "by certified mail, return receipt requested".

(4) In SECTION 1 of the bill, add a new Section 209.014, Property Code (House Committee Report, page 17, between lines 9 and 10), to read as follows:

Sec. 209.014. APPROVAL FOR REGULAR AND SPECIAL ASSESSMENTS; DURATION OF ASSESSMENTS. (a) Unless otherwise provided by the restrictions or the property owners' association's articles of incorporation or bylaws, before a regular or special assessment may take effect:

(1) the association shall provide to the property owners in the residential subdivision notice and an opportunity to be heard; and

(2) the assessment must be approved by the owners who own in the aggregate at least 75 percent of the lots in the residential subdivision.

(b) A special assessment may not be assessed for a period greater than one year.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representatives Nixon and Danburg offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill, in added Section 209.006(b)(2)(A), Property Code (House Committee Report, page 6, lines 22-24), strike "unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months".

(2) In SECTION 1 of the bill, in added Section 209.011(d)(3), Property Code (House Committee Report, page 11, line 27), strike "including reasonable" and substitute "excluding".

(3) In SECTION 1 of the bill, in added Section 209.011(e)(1)(C), Property Code (House Committee Report, page 12, line 24), strike "including reasonable" and substitute "excluding".

(4) In SECTION 1 of the bill, add a new Section 209.013, Property Code (House Committee Report, page 17, between lines 9 and 10) to read as follows:

Sec. 209.013. EXTENSION OF, ADDITION TO, OR MODIFICATION OF RESTRICTIONS; PENALTY. (a) Unless otherwise provided by the restrictions or the property owners' association's articles of incorporation or bylaws, before the extension of, addition to, or modification of the restrictions governing a residential subdivision may take effect:

(1) the association shall provide to the property owners in the residential subdivision notice and an opportunity to be heard; and

(2) the extension of, addition to, or modification of the restrictions must be approved by the owners who own in the aggregate at least 75 percent of the lots in the residential subdivision.

(b) A member of the governing board of the association who violates Subsection (a) is subject to a civil penalty in an amount not to exceed \$5,000 for each violation.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Bailey offered the following amendment to **CSSB 507**:

Amend **CSSB 507**, in SECTION 1 of the bill, as follows:

(1) In added Section 209.006(a), Property Code (house committee report, page 6, line 12), between "lien," and "charge", insert "or".

(2) In added Section 209.006(a), Property Code (house committee report, page 6, lines 13-14), strike "or levy a fine for a violation of the restrictions or bylaws or rules of the association.".

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Bailey offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill, in added Section 209.009, Property

Code, (House Committee Report, page 9, line 24), between the period and "A" insert "(a)".

(2) In SECTION 1 of the bill, in added Section 209.009, Property Code, (House Committee Report, page 10, between lines 2 and 3), insert the following:

(b) A property owner may cure a default in the payment of assessments at any time before the foreclosure sale of the property. If the property owner initiates a payment plan, all proceedings to foreclose the property are stayed for so long as the property owner continues to make timely payments under the payment plan.

Amendment No. 5 was adopted without objection.

### **Amendment No. 6**

Representative Hamric offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) On page 9, line 24, between "CIRCUMSTANCES." and "A property," insert "(a)".

(2) At the end of Subsection 209.009, add:

"(b) A property owners' association shall not conduct a foreclosure sale of the lot unless a designated member of the board of the association has made a personal visit to the owner and explained the board's intent to foreclose and offered the owner the opportunity to rectify the dispute. The designated member must make at least three personal visit attempts. The personal visit by the designated member shall be accompanied by simultaneous hand-delivery of a written notice stating the association's intent to foreclose and the opportunity to rectify. The written notice must be signed and dated by the owner and shall be retained in the association's records. The association shall provide the owner a copy of the signed notice not later than the seventh day after the date of the visit. Failure to provide a copy of the signed notice to the owner in the manner described renders the association's foreclosure power invalid until an additional personal visit is made and an additional written notice is signed and dated by the owner and a copy of the signed notice is provided to the owner in the manner described.

(c) If the owner refuses to sign the written notice, the designated member shall sign and have notarized an affidavit stating the date upon which the personal visit with the owner occurred and that the owner refused to sign the written notice. The affidavit shall be retained in the association's records.

(d) If the personal visit attempts are unsuccessful or if the owner is absent from the property, the designated member must make at least three attempts to contact the owner by telephone. If the designated member successfully contacts the owner by phone, a personal visit must be scheduled and administered in compliance with Subsections (b) and (c). If the attempts to contact the owner by telephone are unsuccessful or the owner is absent for a personal visit scheduled by telephone, the designated member shall leave a copy of the written notice affixed to the front door of the residence. the designated member shall sign and have notarized an affidavit stating the dates upon which the personal visit attempts were made, the dates upon which the telephone contacts were attempted, the date upon which the personal visit

scheduled by telephone was to have occurred, and the date upon and the time at which the written notice was attached to the front door of the residence. The affidavit shall be retained in the association's records."

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representative Woolley offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill, in added Chapter 209, Property Code, add a new Section 209.010 to read as follows and renumber existing sections and cross-references in the chapter appropriately:

Sec. 209.010. REIMBURSEMENT FOLLOWING FORECLOSURE OF LIEN FOR NONPAYMENT OF ASSESSMENTS. (a) This section applies to a property owners' association that forecloses a lien on a lot to secure payment of assessments owed to the association by the owner.

(b) If a property owners' association authorizes a foreclosure sale of a lot, the association shall establish a minimum bid price and may not sell the property for less than the minimum bid price. The minimum bid price shall be the greater of:

(1) 80 percent of the value of the property according to the most recent appraisal by the appraisal district established for the county in which the property is located, minus:

(A) the amount owing on any liens of record against the property; and

(B) the amount of any taxes owing on the property, whether or not the taxes are delinquent; or

(2) the amount owed on the debt for which the sale is authorized plus any expenses expected to be attributed to the sale.

(c) In establishing the minimum bid price under Subsection (b), the property owners' association may use any amount applicable under Subsection (b) on or after the 20th day before the date the association mails notice of sale to the owner.

(d) The property owners' association shall mail a preforeclosure notice to the owner not later than the 60th day before the date the notice of sale under Subsection (c) is mailed to the owner. The preforeclosure notice must:

(1) inform the owner that the property owners' association:

(A) intends to foreclose the association's lien on the property;  
and

(B) will establish a minimum bid price for the foreclosure sale;

(2) request the owner to provide documentary evidence to the association regarding the existence and amount of any lien on the property;

(3) state that if the requested documentary evidence is provided on or before the 40th day after the date the notice is mailed, the minimum bid price will be the greater of:

(A) 80 percent of the value of the property according to the most recent appraisal by the appraisal district established for the county in which the property is located, minus;

(i) the amount owing on any liens of record against the property; and

(ii) the amount of any taxes owing on the property, whether or not the taxes are delinquent; or

(B) the amount owed on the debt for which the sale is authorized plus any expenses expected to be attributed to the sale;

(4) state that if the owner does not provide the requested documentary evidence on or before the 40th day after the date the notice is mailed or provides incomplete information and there are any liens of record against the property, the association may establish a minimum bid price that is the amount owed for the debt for which the sale is authorized plus any expenses expected to be attributed to the sale;

(5) provide the name and address of the person to whom the requested documentary evidence may be provided; and

(6) state the amount the association claims is owed on the debt for which the foreclosure sale will be authorized and the amount the association will add for expenses.

(e) The owner has the burden of ensuring that any documentary evidence reaches the person designated in the preforeclosure notice within the period prescribed by Subsection (d).

(f) The property owners' association has the burden of:

(1) checking the real property records of the county in which all or part of the property is located to determine whether a lien of record has been filed on the property; and

(2) obtaining a statement of the appraised value of the property from the appraisal district established for the county in which the property is located.

(g) If the real property to be sold under this section is the principal residence of the owner, not later than the 20th day after the date the preforeclosure notice is mailed, the property owners' association shall make a reasonable attempt to contact the owner in person to advise the owner regarding the information required to be in the preforeclosure notice. An attempt to contact the owner must be made by a member of the governing body of the association. If no contact is made, the association must make at least three attempts to contact the owner by telephone and three attempts to contact the owner in person at the owner's residence. If the attempts to contact the owner by telephone and in person are not successful, a member of the governing body of the association shall leave an additional copy of the preforeclosure notice affixed to the front door of the residence.

(h) If the property owners' association finds no liens of record filed on the property to be sold, the minimum bid price is 80 percent of the appraised value of the property according to the most recent appraisal by the appraisal district established for the county in which the property is located. If the association finds a lien of record filed on the property and provides a preforeclosure notice as prescribed by this section, and the owner fails to respond to the notice in the period prescribed by Subsection (d):

(1) it is conclusively presumed that the amount owed on the lien equals or exceeds the difference between 80 percent of the appraised value of the property and the amount owed on the debt for which the sale is authorized plus any expenses expected to be attributed to the sale; and

(2) the minimum bid price may be established as the amount owed on the debt for which the sale is authorized plus any expenses expected to be attributed to the sale.

(i) A person does not have a cause of action against a property owners' association for the association's failure to establish a lower minimum bid price.

(j) The owner has a cause of action against the property owners' association for damages caused by the association's failure to set a greater minimum bid price as prescribed by this section. Damages under this subsection are limited to the difference between the greater minimum bid price that the association should have established under this section and the amount owed on the debt for which the sale is authorized plus the expenses of the sale. The owner is also entitled to recover reasonable attorney's fees.

(k) If no other bidder bids the minimum bid price, the property owners' association may hold the property and must resell the property for a price that equals or exceeds the minimum bid price. If the property is held by the association as provided by this subsection and the property was the principal residence of the owner at the time the preforeclosure notice was mailed, the owner may continue to reside on the property until the closing on the resale of the property if all mortgage or other lien payments are current and no taxes owed on the property are delinquent.

(l) If the owner continues to reside on the property after the foreclosure sale, the property owners' association may charge a reasonable rent to be deducted from the amount owed the owner at the time of the resale. If the owner does not pay all mortgage and other lien payments and taxes when due, the association may evict the owner.

(m) When the property is sold to a buyer other than the property owners' association, the proceeds shall be applied in the following priority:

(1) expenses of the sale;

(2) the amount owed on the debt for which the sale was authorized;

(3) any assessments that accrued against the property after the sale was authorized;

(4) the remainder, if any, to be paid to the owner.

(n) Assessments continue to accrue against the property after a foreclosure sale, regardless of who owns the property.

(o) If the owner continues to live on the property after a foreclosure sale as provided by Subsection (k), the owner is responsible for reasonable maintenance of the property. The property owners' association is entitled to make an inspection of the property at a reasonable time on or before the 10th day after the date of the foreclosure sale and once every 60 days thereafter. If the owner does not reasonably maintain the property in a condition as good as or better than the condition of the property on the date of the foreclosure sale, the association may make the needed repairs or maintenance and deduct the reasonable cost of the repairs or maintenance from the amount due the owner at the time of resale.

(p) If the property is held by the property owners' association as provided by Subsection (k) and the property is the principal residence of the owner at the time the preforeclosure notice is mailed and the owner is evicted from the property, on or before the first anniversary of the date the owner moved from the property, the association shall pay the owner:



(1) the full amount due the owner from a resale; or

(2) if the property is not resold, the full amount that would have been due the owner if a resale had been made for the minimum bid price.

(2) Add the following appropriately numbered SECTION and renumber existing SECTIONS of the bill appropriately:

SECTION \_\_. Section 209.010, Property Code, as added by this Act, applies to a foreclosure sale conducted on or after January 1, 2001.

Amendment No. 7 was adopted without objection.

#### **Amendment No. 8**

Representative Hamric offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

On page 11, lines 5 and 6, strike "not later than the earlier of" and substitute "until the later of".

Amendment No. 8 was adopted without objection.

#### **Amendment No. 9**

Representative Hamric offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

On page 13, strike lines 8-9.

Amendment No. 9 was adopted without objection.

#### **Amendment No. 10**

Representative Bailey offered the following amendment to **CSSB 507**:

Amend **CSSB 507** in SECTION 1 of the bill by striking added Section 209.012, Property Code (House Committee Report, page 16, lines 23-27 and page 17, lines 1-9).

Amendment No. 10 was adopted without objection.

#### **Amendment No. 11**

Representative Bailey offered the following amendment to **CSSB 507**:

Amend **CSSB 507** on page 17 by inserting the following between lines 9 and 10:

Sec. 209.013. SPECIAL ASSESSMENTS. A property owners' association may not levy a special assessment unless the levy is approved by a vote of the property owners in the residential subdivision who own, in the aggregate, over 50 percent of the total number of lots in the subdivision.

Amendment No. 11 was adopted without objection.

#### **Amendment No. 12**

Representative Yarbrough offered the following amendment to **CSSB 507**:

Amend **CSSB 507** in SECTION 1 of the bill, in added Chapter 209, Property Code (House Committee Printing, page 17, between lines 9 and 10) by adding a new Section 209.013 to read as follows:

Sec. 209.013. COMMUNITY ASSESSMENT FUND. (a) A property owners' association shall assess a fee in an amount not greater than \$5 for each residential lot in the residential subdivision to establish a fund for the purpose of assisting property owners who are financially unable to make timely payment of the property owners' association's assessments.

(b) Unless otherwise provided by a written agreement with the governing board of the property owners' association, a disbursement from the fund to a property owner is considered a loan.

(c) The property owners' association shall send written notice to each property owner in the residential subdivision:

(1) informing the property owner that the fund has been established;  
and

(2) explaining the procedures for accessing the fund.

(d) The property owners' association shall make a report regarding the status of the fund at each regular meeting of the association. The association is not required to report the name of individuals accessing the fund, but must report the number of properties that have accessed the fund for payment of assessments.

(e) The property owners' association shall assess the fee prescribed by Subsection (a) until the balance of the fund is equal to 10 percent of the total amount of the annual assessments for the residential subdivision. If the balance of the fund falls below seven percent of the total amount of the annual assessments, the association shall continue to assess the \$5 fee until the balance of the fund is equal to 10 percent of the total amount of the annual assessments for the residential subdivision.

A record vote was requested.

Amendment No. 12 failed of adoption by (Record 441): 0 Yeas, 130 Nays, 2 Present, not voting.

Nays — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Denny; Driver; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, R.; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Lewis, G.(C).

Absent, Excused — Deshotel; Hilbert; Williams.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Corte; Delisi; Dukes; Ehrhardt; Geren; Giddings; Longoria; Puente; Telford; Wilson.

### **Amendment No. 13**

Representative Goolsby offered the following amendment to **CSSB 507**:

Amend **CSSB 507** in SECTION 1 of the bill by adding Section 209.013 to read as follows:

Sec. 209.013. ASSESSMENT PROHIBITED. An association may not impose an individual assessment on an individual unit owner on space owned by the individual unit owner that is not air conditioned if:

(1) the space is part of the structural integrity of a common area or garage; and

(2) The association does not provide services to the space.

Amendment No. 13 was adopted without objection.

### **Amendment No. 14**

Representative Goolsby offered the following amendment to **CSSB 507**:

Amend **CSSB 507** as follows:

(1) In SECTION 1 of the bill add Section 209.014 to read as follows:

Sec. 209.014. ALLOCATION OF PARKING SPACES. (a) If a dedicatory instrument of a property owners' association allocates parking spaces to owners by easement or fee title, the association shall ensure that each owner maintains the owner's original parking spaces and the number and type of parking spaces designated by the dedicatory instrument.

(b) An owner is entitled to only the number and type of parking spaces designated by the dedicatory instrument.

(c) If the owner is allocated fewer parking spaces than the number of parking spaces designated by the dedicatory instrument, the association shall provide the owner with additional parking spaces in the number designated.

(d) If the dedicatory instrument of an association permits the subdivision or merger of units, the association may not deny permission to an owner to subdivide or merge units on the basis that no parking space would be assigned to the resulting unit or units.

Amendment No. 14 was adopted without objection.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

### **CSSB 507 - (consideration continued)**

### **Amendment No. 15**

Representative Goolsby offered the following amendment to **CSSB 507**:

Amend **CSSB 507** in SECTION 1 of the bill by adding Section 209.015 to read as follows:

Sec. 209.015. **APPLICABILITY.** Sections 209.013 and 209.014 apply only to a condominium development governed by Chapter 82.

Amendment No. 15 was adopted without objection.

**Amendment No. 16**

Representative Hamric offered the following amendment to **CSSB 507**:

Amend **CSSB 507** by adding the following appropriately numbered SECTION and renumbering existing SECTIONS of the bill appropriately:

SECTION \_\_. (a) In this section, "property owners' association" and "subdivision" have the meaning assigned by Section 209.002, Property Code.

(b) On or after September 1, 2001, and before September 1, 2003, a property owners' association may not foreclose a lien on residential property located within the subdivision whose owners are represented by the association.

(c) This section does not apply to a condominium development governed by Chapter 82, Property Code.

Amendment No. 16 was adopted without objection.

**Amendment No. 17**

Representative Hamric offered the following amendment to **CSSB 507**:

Amend **CSSB 507** by striking SECTION 2 of the bill (Committee printing page 17, line 10) and substituting the following:

SECTION 2. Section 209.011, Property Code, as added by this Act, applies to a foreclosure sale conducted on or after January 1, 2001.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 17 was adopted. (Clark recorded voting no)

**CSSB 507**, as amended, was passed to third reading. (Clark recorded voting no)

**SB 940 ON SECOND READING**  
**(Rangel - House Sponsor)**

**SB 940**, A bill to be entitled An Act relating to the establishment of the Joint Admission Medical Program to assist certain economically disadvantaged students in preparing for and succeeding in medical school.

**SB 940** was passed to third reading. (Howard recorded voting no)

**SB 1475 ON SECOND READING**  
**(Goodman - House Sponsor)**

**SB 1475**, A bill to be entitled An Act relating to the abolition of the Children's Trust Fund of Texas Council and to the transfer of its powers and duties to the Department of Protective and Regulatory Services.

**Amendment No. 1**

On behalf of Representative Junell, Representative Goodman offered the following amendment to **SB 1475**:

Amend **SB 1475** as follows:

(1) In Section 40.101(3), Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 1, lines 16 and 17), strike "child abuse and neglect prevention operating fund" and substitute "child abuse and neglect prevention operating fund account".

(2) In Section 40.101(5), Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 2, line 1), strike "prevention trust fund" and substitute "prevention trust fund account".

(3) Strike Section 40.105, Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 3, line 9, through page 4, line 3), and substitute the following:

**Sec. 40.105. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT.** (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund.

(b) The department may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the department may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect primary prevention programs.

(c) Interest earned on the trust fund shall be credited to the trust fund.

(d) The trust fund is exempt from the application of Section 403.095, Government Code.

(4) In the heading to Section 40.106, Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 4, line 4), strike "DEPARTMENT OPERATING FUND" and substitute "DEPARTMENT OPERATING FUND ACCOUNT".

(5) In Section 40.106(a), Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 4, line 6), strike "operating fund is a special fund in the state treasury" and substitute "operating fund account is an account in the general revenue fund".

(6) In Section 40.106, Human Resources Code, as added by SECTION 1 of the bill (House Committee Printing, page 4, between lines 12 and 13), insert the following:

(d) The operating fund is exempt from the application of Section 403.095, Government Code.

(7) In Section 118.022(b), Local Government Code, as amended by SECTION 7 of the bill (House Committee Printing, page 11, line 3), strike "prevention [children's] trust fund established" and substitute "prevention [children's] trust fund account established".

(8) In Subdivision (2) of SECTION 10 of the bill (House Committee Printing, page 11, lines 23 and 24), strike "a reference in law to the children's trust fund means the child abuse and neglect prevention trust fund" and substitute "a reference in law to the children's trust fund means the child abuse and neglect prevention trust fund account".

Amendment No. 1 was adopted without objection.

**SB 1475**, as amended, was passed to third reading.

(Speaker in the chair)

**SB 158 ON SECOND READING**  
**(Olivo - House Sponsor)**

**SB 158**, A bill to be entitled An Act relating to counseling public school students regarding higher education.

**Amendment No. 1**

Representative Olivo offered the following amendment to **SB 158**:

Amend **SB 158**, SECTION 1 of the House Committee Report (on page 1, between lines 22 and 23), by inserting new subdivision (3) as follows and renumbering accordingly:

"(3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma."

Amendment No. 1 was adopted without objection.

**SB 158**, as amended, was passed to third reading.

**SB 214 ON SECOND READING**  
**(Williams and Keel - House Sponsors)**

**SB 214**, A bill to be entitled An Act relating to the statute of limitations for the presentation of certain felony indictments.

Representative Nixon moved to postpone consideration of **SB 214** until 9 a.m. tomorrow.

The motion prevailed without objection.

**CSSB 177 ON SECOND READING**  
**(Naishtat - House Sponsor)**

**CSSB 177**, A bill to be entitled An Act relating to electronic monitoring devices in the rooms of residents of convalescent or nursing homes or related institutions; providing a criminal penalty.

**CSSB 177** was passed to third reading.

**SB 1671 ON SECOND READING**  
**(J. Davis and Kitchen - House Sponsors)**

**SB 1671**, A bill to be entitled An Act relating to the issuance of bonds by school districts for the purchase of school buses.

**SB 1671** was passed to third reading.

**SB 82 ON SECOND READING**  
**(Menendez and Green - House Sponsors)**

**SB 82**, A bill to be entitled An Act relating to courses offered by a public junior college for joint high school and junior college credit.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Oliveira, Representative Menendez offered the following committee amendment to **SB 82**:

Amend **SB 82** (senate engrossment) by striking lines 8 through 12 on page 1 (in amended Section 130.008(a), Education Code) and substituting the following:

(a) Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:

Amendment No. 1 was adopted without objection.

**SB 82**, as amended, was passed to third reading.

**SB 962 ON SECOND READING**  
**(G. Lewis - House Sponsor)**

**SB 962**, A bill to be entitled An Act relating to a pilot project to address the need for more child protective services workers in certain regions of the state.

**SB 962** was passed to third reading.

**SB 1262 ON SECOND READING**  
**(Talton and Berman - House Sponsors)**

**SB 1262**, A bill to be entitled An Act relating to the authority of an officer to return stolen property to its owner.

**SB 1262** was passed to third reading.

**CSSB 108 ON SECOND READING**  
**(Dutton and McClendon - House Sponsors)**

**CSSB 108**, A bill to be entitled An Act relating to the first day of instruction of a school year for public school students.

**Amendment No. 1**

Representative Smith offered the following amendment to **CSSB 108**:

Amend **CSSB 108** (house committee printing) as follows:

(1) SECTION 1, Section 25.0811, Education Code, subsection (a) (committee printing page 1, line 9), strike "earlier than August 21" and substitute "before the week in which August 21 falls."

(2) SECTION 1, Section 25.0811, Education Code, strike subsections (b) and (c) (committee printing, page 1, line 10, through page 2, line 2) and substitute the following:

"(b) For purposes of this section, Sunday is considered the first day of the week.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Callegari offered the following amendment to **CSSB 108**:

Amend **CSSB 108** as follows:

Delete SECTION 3 of the bill and insert the following new SECTION 3:

SECTION 3. This Act applies beginning with the 2004-2005 school year.  
(Deshotel now present)

Representative Dutton moved to table Amendment No. 2.

The motion to table prevailed.

**CSSB 108**, as amended, was passed to third reading. (Deshotel recorded voting yes; Averitt, Berman, Bonnen, Carter, Chisum, Cook, Counts, Flores, Hardcastle, Hope, Hopson, Howard, Keffer, P. King, McReynolds, Morrison, Raymond, Ritter, Swinford, and Zbranek recorded voting no)

**SB 850 ON SECOND READING**  
**(Tillery - House Sponsor)**

**SB 850**, A bill to be entitled An Act relating to benefits for certain disabled peace officers.

**SB 850** was passed to third reading.

**SB 113 ON SECOND READING**  
**(Goolsby - House Sponsor)**

**SB 113**, A bill to be entitled An Act relating to vehicle passenger safety systems; providing criminal penalties.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Hill offered the following committee amendment to **SB 113**:

Amend **SB 113** by striking Section 545.412(a), Transportation Code, as amended by SECTION 1 of the bill (Engrossed version, page 1, lines 7-19), and substituting the following:

(a) A person commits an offense if the person operates a passenger vehicle, ~~[car or light truck and:~~

~~[(1) transports a child who is younger than four [two] years of age or who weighs less than 40 pounds, and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system]; or~~

~~[(2) transports a child who is at least two years of age but younger than four years of age and does not keep the child secured during the operation of the vehicle:~~

~~[(A) in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system; or~~

~~[(B) by a safety belt].~~

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Goolsby offered the following amendment to **SB 113**:

Amend **SB 113** by adding the following appropriately numbered SECTION of the bill and renumbering the subsequent SECTIONS appropriately:

SECTION \_3\_. Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.614 to read as follows:



Sec. 547.614. RESTRICTIONS ON AIRBAGS. (a) A person commits an offense if the person knowingly:

(1) installs or purports to install an airbag in a vehicle; and

(2) does not install an airbag that meets all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year.

(b) An offense under this section is a Class A misdemeanor.

Amendment No. 2 was adopted without objection.

**SB 113**, as amended, was passed to third reading. (Swinford recorded voting no)

### **SB 772 ON SECOND READING (Naishtat - House Sponsor)**

**SB 772**, A bill to be entitled An Act relating to requiring the Texas Department of Human Services to establish criteria for designating nursing facility operators with excellent operating records as eligible to acquire a license to operate another existing nursing facility on an expedited basis.

**SB 772** was passed to third reading.

### **SB 115 ON SECOND READING (Hawley, B. Turner, Ramsay, Homer, et al. - House Sponsors)**

**SB 115**, A bill to be entitled An Act relating to creating a foundation to finance health programs in the rural areas of the state.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Uresti offered the following committee amendment to **SB 115**:

Amend **SB 115** as follows:

(1) In SECTION 2 of the bill, in amended Section 106.026, Health and Safety Code, (page 6, line 11, engrossed version), between "LEGISLATURE." and "No" insert "(a)".

(2) In SECTION 2 of the bill, in amended Section 106.026, Health and Safety Code, (page 6, between lines 15 and 16, engrossed version), insert the following subsection:

(b) The center shall obtain information from each state agency, university, medical school, rural community, or any other rural health care provider that has expended public funds to perform a study, conduct a demonstration project or grant, or develop programs relating to rural health care during the biennium. The center shall include the information obtained under this subsection in the center's report to the legislature.

#### **Amendment No. 2**

Representative Salinas offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **SB 115** on line 9 between "obtain" and "information" by inserting "information from each county about indigent health care provided in the county and".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**Amendment No. 3**

Representative Hawley offered the following amendment to **SB 115**:

Amend **SB 115** (house committee report) as follows:

(1) In SECTION 1 of the bill, in the chapter heading for proposed Chapter 110, Health and Safety Code (page 1, line 7), strike "RURAL HEALTH FOUNDATION" and substitute "RURAL FOUNDATION".

(2) In SECTIONS 1 and 2 of the bill, in proposed Chapter 110, Health and Safety Code, and in amended Section 106.026, Health and Safety Code (page 1, line 8 through page 6, line 15), strike "Rural Health Foundation" in each place the phrase appears in those SECTIONS and substitute "Rural Foundation".

(3) In SECTION 3 of the bill (page 6, lines 16-24), strike "Rural Health Foundation" in each place the phrase appears in that section and substitute "Rural Foundation".

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Howard offered the following amendment to **SB 115**:

Amend **SB 115** in SECTION 1 of the bill, in added Chapter 110, Health and Safety Code (House committee printing, page 6, between lines 8 and 9), by adding the following section:

Sec. 110.013. ABORTION SERVICES PROHIBITED. Funds administered by the Rural Health Foundation may not be used to provide abortion services, including providing a referral for an abortion.

Amendment No. 4 was adopted without objection.

**SB 115**, as amended, was passed to third reading.

**CSSB 768 ON SECOND READING**  
**(Hopson - House Sponsor)**

**CSSB 768**, A bill to be entitled An Act relating to the regulation of the practice of pharmacy and the dispensing of certain drugs.

**Amendment No. 1**

Representatives Gray and Telford offered the following amendment to **CSSB 768**:

Amend **CSSB 768** as follows:

(1) Add the following section, appropriately numbered, and renumber the sections of the bill accordingly:

SECTION \_\_\_\_ Subchapter A, Chapter 562, Occupations Code, is amended by adding Section 562.015 to read as follows:

Sec. 562.015. PRESCRIPTION COMPLIANCE WITH FEDERAL LAW. A prescription issued by a practitioner must:

(1) be in a format that protects confidentiality as required by the Health Insurance Portability and Accountability Act of 1996, and its subsequent amendments;

(2) comply with federal and state law, including rules, with regard to formatting and security requirements; and

(3) comply with 42 C.F.R. Section 447.331(c).

(2) Strike SECTION 11 of the bill (house committee printing page 8, lines 6 and 7) and substitute the following appropriately numbered section:

SECTION \_\_\_\_\_. The following are repealed:

(1) Sections 242.615 and 252.153, Health and Safety Code;

(2) Sections 562.003 and 562.008(a), Occupations Code; and

(3) Subchapter A, Chapter 563, Occupations Code.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Maxey offered the following amendment to **CSSB 768**:

Amend **CSSB 768** as follows:

(1) On page 2, between lines 14 and 15, insert the following section, appropriately numbered:

SECTION \_\_\_\_\_. Chapter 555, Occupations Code, is amended by adding Section 555.013 to read as follows:

Sec. 555.013. PHARMACIST AND PHARMACY PROFILES. (a) The board shall create a profile of each pharmacist. The pharmacist profile must:

(1) include the information required by Subsection (b); and

(2) be compiled in a format that permits the board to make the information contained in the profile available to the public.

(b) A pharmacist profile must contain the following information on each pharmacist:

(1) a description of the professional practice degree from an accredited pharmacy degree program that was conferred on the pharmacist, including:

(A) the name of the educational institution that conferred the degree; and

(B) the date the degree was conferred;

(2) any specialty certification held by the pharmacist;

(3) the number of years the pharmacist has been licensed to practice pharmacy in:

(A) the United States; and

(B) this state;

(4) the pharmacist's practice locations;

(5) a description of any conviction for a Class A or Class B misdemeanor or a felony during the 10-year period preceding the date of the profile;

(6) criminal history record information consisting of a description of any charges reported to the board during the 10-year period preceding the date of the profile to which the pharmacist has pleaded no contest, for which the pharmacist is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;

(7) a description of, or a copy of an order imposing, any disciplinary action against the pharmacist by the board during the 10-year period preceding the date of the profile or a longer period as specified by board rule;

(8) a description of any disciplinary action against the pharmacist by a pharmacist licensing board of another state during the 10-year period preceding the date of the profile;

(9) a description of the final resolution by the board of any professional liability claim required to be reviewed by the board; and

(10) a description of, and the status of, any formal complaint against the pharmacist filed with the board and referred to the State Office of Administrative Hearings.

(c) The board shall create a profile of each pharmacy. The pharmacy profile must:

(1) include the information required by Subsection (d); and

(2) be compiled in a format that permits the board to make the information contained in the profile available to the public.

(d) A pharmacy profile must contain the following information with regard to each pharmacy:

(1) a brief description of the major services provided by the pharmacy;

(2) the physical address and telephone number of the pharmacy;

(3) for each state in which the pharmacy is licensed:

(A) the state;

(B) the license number of the license; and

(C) the date the license was issued;

(4) the name of the pharmacist-in-charge of the pharmacy;

(5) the name and license number of each pharmacist employed at the pharmacy;

(6) the name of each owner of an interest in the pharmacy and, if the pharmacy is owned by a partnership or corporation, the name of each managing officer of the partnership or corporation;

(7) the type of language translating services, including translating services for a person with impairment of hearing, that the pharmacy provides;

(8) whether the pharmacy participates in the state child health plan under Chapter 62, Health and Safety Code, or the Medicaid program;

(9) a description of, or a copy of an order imposing, any disciplinary action against the pharmacy by the board during the 10-year period preceding the date of the profile or a longer period specified by board rule;

(10) a description of any disciplinary action against the pharmacy by a pharmacy licensing board of another state during the 10-year period preceding the date of the profile;

(11) a description of the final resolution by the board of any professional liability claim required to be reviewed by the board;

(12) whether the pharmacy is accessible to disabled persons, as defined by federal law; and

(13) a description of, and the status of, any formal complaint against the pharmacy filed with the board and referred to the State Office of Administrative Hearings.

(e) Information required to be included under Subsection (b) or (d) that is not maintained by the board in the ordinary course of the board's duties shall

be obtained from a pharmacist or pharmacy at the time the pharmacist or pharmacy renews the pharmacist's or pharmacy's license. In requesting information from the pharmacist or pharmacy, the board shall:

(1) inform the pharmacist or pharmacy that compliance with the request for information is mandatory;

(2) inform the pharmacist or pharmacy of the date the information will be made available to the public; and

(3) instruct the pharmacist or pharmacy about any requirements regarding correction of errors in the pharmacist's or pharmacy's profile.

(f) This section does not:

(1) prevent the board from providing explanatory information regarding the significance of categories in which malpractice settlements are reported; or

(2) require the board to disclose confidential settlement information.

(g) A pending professional liability claim or complaint may not be disclosed to the public by the board. This subsection does not prevent the board from investigating and disciplining a pharmacist or pharmacy on the basis of a pending professional liability claim or complaint.

(h) The board shall provide a pharmacist or pharmacy with a copy of the pharmacist's or pharmacy's profile if the pharmacist or pharmacy requests a copy at the time the pharmacist or pharmacy renews the pharmacist's or pharmacy's license.

(i) The board shall update the information contained in a pharmacist's or pharmacy's profile annually. The board shall adopt a form that allows a pharmacist or pharmacy to update or correct information contained in the pharmacist's or pharmacy's profile. The form shall be made available on the Internet and in other formats as prescribed by board rule. The board may adopt rules concerning the type and content of additional information that may be included in a pharmacist's or pharmacy's profile.

(j) The board shall make the profiles created under this section available on the Internet.

(k) The board shall adopt rules as necessary to implement this section.

(2) On page 8, strike line 19 and substitute the following:

SECTION 13. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2001.

(3) On page 9 of the bill, after line 19, add the following:

(c) Section 555.013, Occupations Code, as added by this Act, takes effect only if **SB 187**, Acts of the 77th Legislature, Regular Session, 2001, becomes law and if that Act requires the TexasOnline Authority created by that Act to prepare rules for adoption by the governing board of the Department of Information Resources to prescribe the amount of the fee to be collected by a state agency that establishes a profile system for its license holders.

(d) If **SB 187**, Acts of the 77th Legislature, Regular Session, 2001, becomes law and if that Act requires the Texas State Board of Pharmacy to establish a profile system under that Act, requires the board to adopt rules under that Act for the profile system not later than a specified date, and requires the initial profiles to be available to the public not later than a specified date, the requirements regarding adopting rules and making the initial profiles available also apply to the profiles required under this Act.

(4) Renumber the sections of the bill accordingly.

Amendment No. 2 was withdrawn.

**CSSB 768**, as amended, was passed to third reading.

**SB 1561 ON SECOND READING**  
**(Haggerty - House Sponsor)**

**SB 1561**, A bill to be entitled An Act relating to the acceptance by the Texas Natural Resource Conservation Commission of certain emissions reductions in exchange for other emissions reductions.

**Amendment No. 1**

Representative Burnam offered the following amendment to **SB 1561**:

Amend **SB 1561** as follows:

(1) In Section 382.0172(c)(1), Health and Safety Code, as amended by SECTION 1 of the bill (House Committee Printing, page 2, line 22), between "(1)" and "reductions", insert "except as provided by Subdivision (3).".

(2) In Section 382.0172(c)(1), Health and Safety Code, as amended by SECTION 1 of the bill (House Committee Printing, page 2, line 25), strike "and" and substitute "; and".

(3) In Section 382.0172(c)(2), Health and Safety Code, as amended by SECTION 1 of the bill (House Committee Printing, page 3, line 2), strike the underlined period and substitute "; and".

(4) In Section 382.0172(c), Health and Safety Code, as amended by SECTION 1 of the bill (House Committee Printing, page 3, between lines 2 and 3), insert a new Subdivision (3) to read as follows:

(3) the substitution is not for a required reduction in emissions of a hazardous air pollutant, as defined by 42 U.S.C. Section 7412(a)(6), or of a chemical required to be reported to the United States Environmental Protection Agency's toxic release inventory.

Amendment No. 1 was withdrawn.

**SB 1561** was passed to third reading.

**SB 215 ON SECOND READING**  
**(Keel, Hinojosa, and Goolsby - House Sponsors)**

**SB 215**, A bill to be entitled An Act relating to the punishment for the offense of evading arrest or detention.

**Amendment No. 1**

Representative Hill offered the following amendment to **SB 215**:

Amend **SB 215** by inserting the following SECTION, appropriately numbered, and renumbering subsequent SECTION of the bill accordingly:

SECTION \_\_\_\_ Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.22 to read as follows:

Art. 18.22. TESTING FOR COMMUNICABLE DISEASES. (a) A person who is arrested for an offense under Section 38.04, Penal Code, and who during the commission of that offense commits an assault on a peace officer

by biting the officer or otherwise causing the officer to come in to contact with the person's bodily fluids shall, at the direction of the court having jurisdiction over the arrested person, undergo a medical procedure or test designed to show or help show whether the person has a communicable disease. The court may direct the person to undergo the procedure or test on its own motion or on the request of the peace officer. If the person refuses to submit voluntarily to the procedure or test, the court shall require the person to submit to the procedure or test. Notwithstanding any other law, the person performing the procedure or test shall make the test results available to the local health authority, and the local health authority shall notify the peace officer of the test result. The state may not use the fact that a medical procedure or test was performed on a person under this article or use the results of the procedure or test in any criminal proceeding arising out of the alleged offense.

(b) Testing under this article shall be conducted in accordance with written infectious disease control protocols adopted by the Texas Board of Health that clearly establish procedural guidelines that provide criteria for testing and that respect the rights of the arrested person and the peace officer.

(c) Nothing in this article authorizes a court to release a test result to a person other than a person specifically authorized by this article and Section 81.103(d), Health and Safety Code, does not authorize that disclosure.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Menendez offered the following amendment to **SB 215**:

Amend **SB 215** by adding the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1(4), Article 42.22, Code of Criminal Procedure, is amended to read as follows:

(4) "Victim" means:

(A) a "close relative of a deceased victim," "guardian of a victim," or "victim," as those terms are defined by Article 56.01 of this code;  
or

(B) an individual who suffers damages as a result of another committing an offense under Section 38.04, Penal Code, in which the defendant used a motor vehicle while the defendant was in flight.

SECTION \_\_\_\_\_. Section 2(b), Article 42.22, Code of Criminal Procedure, is amended to read as follows:

(b) The state also has a restitution lien to secure the:

(1) amount of fines or costs entered against a defendant in the judgment in a felony criminal case; ~~and~~

(2) amount of reimbursement for costs of confinement ordered under Article 42.038; and

(3) amount of damages incurred by the state as a result of the commission of an offense under Section 38.04, Penal Code, in which the defendant used a motor vehicle while the defendant was in flight.

Amendment No. 2 was withdrawn.

**SB 215**, as amended, was passed to third reading.

**SB 596 ON SECOND READING**  
**(Giddings - House Sponsor)**

**SB 596**, A bill to be entitled An Act relating to prekindergarten programs for public school students.

**SB 596** was passed to third reading.

**SB 218 ON SECOND READING**  
**(Smith - House Sponsor)**

**SB 218**, A bill to be entitled An Act relating to a financial accountability rating system for school districts.

**Amendment No. 1**

Representative Smith offered the following amendment to **SB 218**:

Amend **SB 218** (house committee report) as follows:

(1) Between SECTIONS 1 and 2 of the bill (page 3, between lines 14 and 15), insert the following new SECTION 2:

SECTION 1. Section 44.008(d), Education Code, is amended to read as follows:

(d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not later than the 150th [~~120th~~] day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.

(2) In existing SECTION 2 of the bill (page 3, line 15), strike "SECTION 2" and substitute "SECTION 3".

(3) Following existing SECTION 2 of the bill (page 3, following line 22), insert the following:

(d) Section 44.008, Education Code, as amended by this Act, applies beginning with the annual audit of school districts for the 2001-2002 school year.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Chisum offered the following amendment to **SB 218**:

Amend **SB 218** (House Committee Report, 1st Printing) as follows:

Insert "in consultation with the Comptroller," between "shall" and "develop" in Section 1 of the bill, Page 1, Line 14.

Amendment No. 2 was adopted without objection.

**SB 218**, as amended, was passed to third reading.

**SB 591 ON SECOND READING**  
**(Naishtat - House Sponsor)**

**SB 591**, A bill to be entitled An Act relating to the execution of certain writs in an action to determine possession of certain leased premises.

**SB 591** was passed to third reading.



**CSSB 354 ON SECOND READING**  
**(Coleman - House Sponsor)**

**CSSB 354**, A bill to be entitled An Act relating to the powers of a local government corporation.

**Amendment No. 1**

Representative Coleman offered the following amendment to **CSSB 354**:

Amend **CSSB 354** as follows:

(1) In the recitation of SECTION 1 of the bill (Committee Printing, page 1, line 5), strike "(g)-(k)" and substitute "(g)-(j)".

(2) Strike Subsections (g)-(k), Section 431.101, Transportation Code, as added by SECTION 1 of the bill (Committee Printing, page 1, line 19, through page 2, line 26), and substitute the following:

(g) A corporation created by a municipality for the purpose of developing a convention center hotel project is exempt from competitive bidding requirements and other restrictions on the award of contracts.

(h) A corporation created by a municipality after September 1, 1999, for the purpose of developing water treatment and distribution facilities is exempt from competitive bidding requirements and other restrictions on the award of contracts for the limited purpose of completing projects as described in a project definition document issued before December 31, 2000. Any expansion of treatment facilities beyond the project described in the project definition document is exempt from the competitive bidding requirements but shall comply with Chapter 2254, Government Code. Any expansion of distribution facilities by the corporation is subject to all state law that applies to the local government that created the corporation, as provided in Subsection (e).

(i) A local government corporation created for the purpose of developing an area within a tax increment reinvestment zone created by a municipality pursuant to Chapter 311, Tax Code, is exempt from competitive bidding requirements but shall comply with Chapter 2254, Government Code. A corporation created for the purpose described by this subsection is also exempt from any competitive bidding requirement or restriction imposed on the procedure regarding the lease, sale, or other disposition of real property.

(j) Any competitive bidding requirement imposed on the procedure regarding the lease, sale, or other disposition of property does not apply to a transaction related to the transfer of water rights by a local government corporation.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Clark offered the following amendment to **CSSB 354**:

Amend **CSSB 354** in SECTION 3 of the bill, in the transition language, on page 3, strike lines 22-24 and substitute:

"applies only to a contract, public notice of which is first published by a local government corporation on or after the effective date of this Act. A contract, public notice of which was first published by a local government corporation before the effective date of this Act is governed by".

Amendment No. 2 was adopted without objection.

**CSSB 354**, as amended, was passed to third reading.

**SB 588 ON SECOND READING**  
**(Coleman - House Sponsor)**

**SB 588**, A bill to be entitled An Act relating to the functions of a municipal or county cultural education facilities finance corporation.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Ramsay, Representative Coleman offered the following committee amendment to **SB 588**:

Amend **SB 588** in SECTION 1 of the bill, in amended Subsection (a), Section 2, Cultural Education Facilities Finance Corporation Act (Article 1528m, Vernon's Texas Civil Statutes) (Engrossed Version, page 1, line 14), by striking "religious groups".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Coleman offered the following amendment to **SB 588**:

Amend **SB 588** in SECTION 1 of the bill, in amended Section 2(a)(1)(B), Cultural Education Facilities Finance Corporation Act (Article 1528m, Vernon's Texas Civil Statutes) (Committee Printing, page 1, line 18), between "public health and safety," and "child care" by inserting "conservation and preservation of the environment or natural resources".

Amendment No. 2 was adopted without objection.

**SB 588**, as amended, was passed to third reading. (Berman, B. Brown, Delisi, Hope, and Woolley recorded voting no)

**SB 355 ON SECOND READING**  
**(Naishtat, Ehrhardt, Wohlgemuth, Noriega, and J. Davis - House Sponsors)**

**SB 355**, A bill to be entitled An Act relating to a nursing home resident's right to informed consent regarding the prescription of certain drugs.

**Amendment No. 1**

Representative Naishtat offered the following amendment to **SB 355**:

Amend **SB 355** as follows:

(1) In SECTION 1 of the bill, in amended Section 242.501(a)(22), Health and Safety Code (House Committee Printing, page 3, line 17), strike "a treating physician and pharmacist" and substitute "the person prescribing the medication or that person's designee".

(2) In SECTION 2 of the bill, in added Section 242.505(c)(2), Health and Safety Code (House Committee Printing, page 5, lines 6 and 7), strike "treating physician or a person designated by the physician" and substitute "person prescribing the medication or that person's designee".

(3) In SECTION 2 of the bill, in added Section 242.505(c)(4), Health and

Safety Code (House Committee Printing, page 5, lines 22 and 23), strike "treating physician or a person designated by the physician" and substitute "person prescribing the medication or that person's designee".

(4) In SECTION 2 of the bill, in added Section 242.505(e), Health and Safety Code (House Committee Printing, page 6, lines 1 and 4), strike "physician" in each place it appears and substitute "person".

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Naishtat offered the following amendment to **SB 355**:

Amend **SB 355**, in SECTION 2 of the bill, in added Section 242.505, Health and Safety Code (Committee Printing, page 6, between lines 10 and 11), by inserting a new Subsection (f) to read as follows:

(f) A physician or a person designated by the physician is not liable for civil damages or an administrative penalty and is not subject to disciplinary action for a breach of confidentiality of medical information for a disclosure of the information provided under Subsection (c)(2) made by the resident or the person authorized by law to consent on behalf of the resident that occurs while the information is in the possession or control of the resident or the person authorized by law to consent on behalf of the resident.

Amendment No. 2 was adopted without objection.

**SB 355**, as amended, was passed to third reading.

#### **SB 584 ON SECOND READING (Yarbrough - House Sponsor)**

**SB 584**, A bill to be entitled An Act relating to the frequency with which a person may take an examination administered by the Texas Board of Professional Land Surveying.

**SB 584** was passed to third reading.

#### **SB 535 ON SECOND READING (J. Jones, Chavez, Hunter, Hodge, Ehrhardt, et al. - House Sponsors)**

**SB 535**, A bill to be entitled An Act relating to the continuation and functions of the Texas Department on Aging.

**SB 535** was passed to third reading. (Clark recorded voting yes)

#### **SB 429 ON SECOND READING (Solis - House Sponsor)**

**SB 429**, A bill to be entitled An Act relating to the funding and administration of certain activities of the Council on Workforce and Economic Competitiveness.

**SB 429** was passed to third reading.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Sadler requested permission for the conference committee on **HB 3343** to meet while the house is in session tomorrow May 16, throughout the day.

Permission to meet was granted without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Conference committee on **HB 3343**, 9 a.m. tomorrow, Betty King committee room.

Licensing and Administrative Procedures, upon adjournment today, Desk 66, for a formal meeting.

Public Education, upon adjournment today, Desk 102, for a formal meeting.

Human Services upon adjournment today, E2.030, for a public hearing, to consider **SB 1839**.

Land and Resource Management upon adjournment today, Desk 107, for a formal meeting.

Environmental Regulation, upon adjournment today, Desk 98, for a formal meeting, to consider **SB 1541**.

Urban Affairs, upon noon recess tomorrow, Desk 46, for a formal meeting, to consider **SB 322**, **SB 1564**, **SB 1760**, and **SJR 50**.

**ADJOURNMENT**

Representative Geren moved that the house adjourn until 10 a.m. tomorrow in memory of John V. McMillan.

The motion prevailed without objection.

The house accordingly, at 6:53 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 53**

**HB 1467, HCR 50, HCR 111, HCR 112, HCR 113, HCR 268, HCR 280, HJR 45**

**Senate List No. 28**

**SB 24, SB 38, SB 79, SB 141, SB 187, SB 188, SB 203, SB 243, SB 297, SB 324, SB 387, SB 424, SB 532, SB 539, SB 553, SB 561, SB 569, SB 645, SB 650, SB 664, SB 694, SB 834, SB 916, SB 968, SB 1045, SB 1158, SB 1189, SB 1194, SB 1236, SB 1272, SB 1352, SB 1386, SB 1421, SB 1429, SB 1497, SB 1600, SB 1672, SB 1737**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 15, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 2912** Bosse SPONSOR: Harris  
Relating to the continuation and functions of the Texas Natural Resource Conservation Commission; providing penalties.  
(COMMITTEE SUBSTITUTE/AMENDED)

**SB 806** Van de Putte  
Relating to health benefit plan coverage for certain mental disorders in children.

**SB 1459** Wentworth  
Relating to the authority of the Bexar County Hospital District to impose a sales and use tax.

**SB 1701** Staples  
Relating to the use of previous convictions in the punishment of certain repeat and habitual felony offenders.

**SB 1714** Van de Putte  
Relating to a legislative leave time bank for peace officers and firefighters.

**SB 1821** Staples  
Relating to the creation, administration, powers, duties, operations, and financing of the Neches and Trinity Valleys Groundwater Conservation District.

**SB 1837** Shapleigh  
Relating to the creation of the Texas Border Strategic Investment Commission; making an appropriation.

**SCR 60** Moncrief  
Extending condolences to the family of John V. McMillan.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 15, 2001 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**LOCAL AND UNCONTESTED CALENDAR**

**HB 102** Maxey SPONSOR: Moncrief  
Relating to the electronic imaging program of the Texas Department of Human Services.

(COMMITTEE SUBSTITUTE)

**HB 409** Shields SPONSOR: Madla  
Relating to the requirement that the name, address, and phone number of a bondsman appear on the face of performance and payment bonds.

**HB 430** Pitts SPONSOR: Armbrister  
Relating to the examination required to become a certified public accountant.

**HB 445** Goodman SPONSOR: Harris  
Relating to the imposition by certain municipalities of a sales and use tax dedicated to street maintenance.

(COMMITTEE SUBSTITUTE)

**HB 459** Carter SPONSOR: Moncrief  
Relating to higher education tuition and fee exemptions for children of dead or disabled firefighters or peace officers.

(COMMITTEE SUBSTITUTE)

**HB 461** Crownover, Myra SPONSOR: Haywood  
Relating to imposing a recreational facility fee at the University of North Texas.

**HB 462** Crownover, Myra SPONSOR: Haywood  
Relating to the authority of the board of regents of the University of North Texas to levy student fees for medical services.

**HB 471** Averitt SPONSOR: Harris  
Relating to insurance agent commissions paid by small employer carriers.

**HB 490** Heflin SPONSOR: Brown, J. E. "Buster"  
Relating to the administration and collection of ad valorem taxes.

(COMMITTEE SUBSTITUTE)

**HB 533** Thompson SPONSOR: Sibley  
Relating to the wages paid to certain employees.

**HB 569** Gallego SPONSOR: Shapleigh  
Relating to administrative approval of state employee contributions to the sick leave pool.

**HB 606** Smithee SPONSOR: Nelson  
Relating to prohibiting certain health benefit plans from requiring the use of hospitalists by participating physicians.

(COMMITTEE SUBSTITUTE)

**HB 663**                Lewis, Ron                SPONSOR: Nelson  
Relating to the regulation of tanning facilities.  
(COMMITTEE SUBSTITUTE)

**HB 741**                Bailey                        SPONSOR: Gallegos  
Relating to the creation of the Aldine Community Improvement District;  
providing authority to impose a tax and issue bonds.  
(COMMITTEE SUBSTITUTE)

**HB 742**                Walker                       SPONSOR: Staples  
Relating to the presumed validity of a district act or proceeding.

**HB 815**                Bailey                       SPONSOR: Whitmire  
Relating to providing the state flag and a certificate of gratitude to the survivors  
of deceased peace officers.  
(COMMITTEE SUBSTITUTE)

**HB 845**                Nixon, Joe                  SPONSOR: Shapiro  
Relating to suspension of certain limitations periods applicable to insurance  
policies issued to or covering Holocaust victims; providing an administrative  
penalty.

**HB 958**                Burnam                      SPONSOR: Moncrief  
Relating to the annexation of county roads.

**HB 965**                Dunnam                      SPONSOR: Armbrister  
Relating to the eligibility requirements for an applicant or a holder of a lottery  
sales agent license.

**HB 1059**              Pitts                         SPONSOR: Cain  
Relating to state symbols and place designations adopted by the legislature.

**HB 1098**              Bonnen                      SPONSOR: Duncan  
Relating to the collection of taxes on printed materials distributed by mail.

**HB 1166**              Denny                       SPONSOR: Carona  
Relating to regulation of the business of selling checks, including electronic  
checks.  
(COMMITTEE SUBSTITUTE)

**HB 1216**              Pitts                         SPONSOR: Barrientos  
Relating to the regulation of talent agencies.

**HB 1222**              Truitt                        SPONSOR: Harris  
Relating to the sale of wine for off-premises consumption and to certain local  
option elections to permit those sales.

**HB 1264**              Clark                         SPONSOR: Shapiro  
Relating to an exception to the presumption that all appropriate persons have  
given consent to a municipal annexation.

**HB 1299**              Kuempel                      SPONSOR: Zaffirini  
Relating to the pooling of sick leave by county employees.

**HB 1314**              Hopson                      SPONSOR: Staples  
Relating to requiring certain inmates of the Texas Department of Criminal  
Justice to participate in treatment programs.

**HB 1378**            McReynolds            SPONSOR: Zaffirini  
Relating to the application of vehicle and traffic law to certain mobility assistance devices.

**HB 1419**            Jones, Jesse            SPONSOR: Whitmire  
Relating to requiring the secretary of state to study voting systems, technologies, and strategies.

**HB 1459**            Williams            SPONSOR: Armbrister  
Relating to interment rights in a cemetery plot.

**HB 1460**            Williams            SPONSOR: Armbrister  
Relating to use of certain terms by cemeteries.

**HB 1493**            Wise            SPONSOR: Staples  
Relating to the regulation of mortgage brokers.

**HB 1512**            Counts            SPONSOR: Haywood  
Relating to the powers and duties of Stonewall County Hospital District.

**HB 1516**            Janek            SPONSOR: Nelson  
Relating to the provision of catastrophic case management services under the medical assistance program.

**HB 1636**            McCall            SPONSOR: Sibley  
Relating to continuation and functions of the Savings and Loan Department and the regulation of certain financial institutions and businesses.

**HB 1703**            Smithee            SPONSOR: Jackson  
Relating to regulation of nonadmitted captive insurance companies.

**HB 1842**            Callegari            SPONSOR: Lindsay  
Relating to the creation, administration, powers, duties, operation, and financing of the West Harris County Regional Water Authority; granting the power of eminent domain; granting the authority to issue bonds or notes; providing a civil penalty.

**HB 1927**            Geren            SPONSOR: Harris  
Relating to the installation of asbestos in public buildings; providing penalties.

**HB 1989**            Hamric            SPONSOR: Lindsay  
Relating to the authority of a judge of a statutory county court to hear certain alcoholic beverage permit or license applications.

**HB 1990**            Turner, Sylvester    SPONSOR: Whitmire  
Relating to the creation of the Near Northwest Management District; providing authority to impose a tax and issue bonds.

**HB 2147**            Uher            SPONSOR: Cain  
Relating to contributions for the governor for a day or speaker's reunion day ceremony.

**HB 2158**            Thompson            SPONSOR: West, Royce  
Relating to the acceleration of the appeal in certain suits affecting the parent-child relationship.

**HB 2217**            Hawley            SPONSOR: Fraser  
Relating to the issuance of a certificate of title for certain farm semitrailers.



**HB 2307** Clark SPONSOR: Haywood  
Relating to the creation of a county court at law in Cooke County, to the jurisdiction of the County Court of Cooke County, and to an exemption from certain judicial training and instruction for the judge of the county court.

**HB 2314** Solomons SPONSOR: Nelson  
Relating to the creation of the County Court at Law No. 2 of Denton County and to the jurisdiction of and certain procedure in that court.

**HB 2381** Thompson SPONSOR: West, Royce  
Relating to the appeal of certain suits affecting the parent-child relationship.

**HB 2440** Krusee SPONSOR: Barrientos  
Relating to a referendum for a rail plan in certain metropolitan rapid transit authorities.

**HB 2463** Glaze SPONSOR: Shapleigh  
Relating to the issuance of permits in areas infected with or at high risk of infection for bovine tuberculosis.

**HB 2491** Bosse SPONSOR: Whitmire  
Relating to the validation of certain actions and of the legal description of Harris County Water Control and Improvement District No. 84.

**HB 2494** Haggerty SPONSOR: Armbrister  
Relating to the ratification of the Interstate Compact for Adult Offender Supervision.  
(COMMITTEE SUBSTITUTE)

**HB 2589** Hochberg SPONSOR: Wentworth  
Relating to the required posting of information on a state agency's Internet site and to the security, confidentiality, and management of certain information.  
(COMMITTEE SUBSTITUTE)

**HB 2628** Wolens SPONSOR: Shapiro  
Relating to the powers and rights of a cultural educational facilities finance corporation.  
(COMMITTEE SUBSTITUTE)

**HB 2663** Grusendorf SPONSOR: Armbrister  
Relating to a license or permit for certain sex offenders to operate a motor vehicle or commercial motor vehicle.

**HB 2796** Goolsby SPONSOR: Cain  
Relating to a trust fund for the purpose of maintaining and preserving the Capitol, the General Land Office Building, their contents, and their grounds.

**HB 2828** Smithee SPONSOR: Harris  
Relating to the delegation of certain functions by a health maintenance organization; providing penalties.  
(COMMITTEE SUBSTITUTE)

**HB 2864** Sadler SPONSOR: Cain  
Relating to the small and mid-sized district adjustment under the public school finance system.

**HB 2874** Uher SPONSOR: Madla  
Relating to the withdrawal of time by a county employee from the county sick leave pool.

**HB 2875** Uher SPONSOR: Armbrister  
Relating to the authority of Matagorda County Hospital District to lease property and enter into a loan agreement.

**HB 2922** Jones, Jesse SPONSOR: Whitmire  
Relating to requiring the secretary of state to establish a toll-free telephone number for reporting abuses of voting rights.

**HB 2923** Jones, Jesse SPONSOR: Whitmire  
Relating to the implementation of new voting system technology in certain elections.

**HB 2959** Williams SPONSOR: Ogden  
Relating to the board of supervisors and the powers of the Brookshire-Katy Drainage District; providing a civil penalty.  
(COMMITTEE SUBSTITUTE)

**HB 3024** Chisum SPONSOR: Bivins  
Relating to the powers of the Panhandle Groundwater Conservation District.

**HB 3132** King, Phil SPONSOR: Haywood  
Relating to the dissolution of the Gainesville Hospital District and the Muenster Hospital District and the creation of the Cooke County Hospital District.

**HB 3286** Lewis, Ron SPONSOR: Brown, J. E. "Buster"  
Relating to water conservation measures by state agencies and local governments.  
(AMENDED)

**HB 3309** Hochberg SPONSOR: Ellis, Rodney  
Relating to the development, funding, and operation of the Southeast Texas Biotechnology Park.  
(COMMITTEE SUBSTITUTE)

**HB 3334** Telford SPONSOR: Cain  
Relating to the composition of the Bowie County Juvenile Board.

**HB 3357** Kuempel SPONSOR: Armbrister  
Relating to the power of a river authority engaged in the distribution and sale of electric energy to provide credit support for an affiliated nonprofit corporation.

**HB 3365** Maxey SPONSOR: Zaffirini  
Relating to medical case management services provided by a social worker under the Medicaid program.

**HB 3421** Farabee SPONSOR: Madla  
Relating to the licensure of physician assistants.  
(COMMITTEE SUBSTITUTE)

**HB 3626** Hardcastle SPONSOR: Haywood  
Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Tri-County Groundwater Conservation District.

(COMMITTEE SUBSTITUTE)

**HB 3636** Geren SPONSOR: Harris  
Relating to the validation of certain actions and proceedings and to the administration, powers, duties, operation, and financing of the Tarrant Regional Water District, a Water Control and Improvement District; providing a civil penalty; creating a criminal offense.

**HB 3661** Craddick SPONSOR: Duncan  
Relating to the powers, duties, and board of managers of the Reagan Hospital District of Reagan County, Texas.

**HCR 74** Brown, Betty SPONSOR: Cain  
Declaring West Tawakoni the Catfish Capital of Texas.

**HCR 77** Madden SPONSOR: Armbrister  
Memorializing congress to revise certain provisions of Public Law 106-230.

**HCR 84** Maxey SPONSOR: Ellis, Rodney  
Memorializing congress to expand the number of community health centers and other community-based safety-net programs serving the poor and medically underserved communities.

**HCR 88** Oliveira SPONSOR: Lucio  
Requesting the International Boundary and Water Commission to assure that Mexico meet its delivery obligations under the 1944 treaty governing the sharing of waters from the Rio Grande/Rio Bravo basin.

**HCR 181** Hardcastle SPONSOR: Haywood  
Designating the Santa Rosa Palomino Club as the official "Ambassadors on Horseback" of the State of Texas.

**HCR 192** Goolsby SPONSOR: Cain  
Authorizing the lieutenant governor and the speaker of the house of representatives to appoint interim joint committees.

**HCR 197** Miller SPONSOR: Fraser  
Designating Gatesville as the Spur Capital of Texas.

**HCR 210** Haggerty SPONSOR: Armbrister  
Urging congress to enact the Railroad Retirement and Survivors' Improvement Act of 2001.

**SB 1102** Barrientos  
Relating to a survey concerning children who drop out of school.

**SB 1122** Armbrister  
Relating to the authority of utilities to deny or limit service as a condition of compliance with the federal Endangered Species Act of 1973.

**SB 1129** Bernsen  
Relating to a study by the Texas Department of Transportation of the feasibility of adopting a scenic byways program.

**SB 1248** Gallegos

Relating to the civil service status of certain firefighters in certain cities.

**SB 1348** Armbrister

Relating to requiring a court cost impact statement on a bill or resolution that imposes a court cost on a person charged with a criminal offense.

**SB 1531** Cain

Relating to the period that an ignition interlock device must remain installed on the vehicle of a person placed on community supervision for certain intoxication offenses.

**SCR 51** Bivins

Urging federal and state reconsideration of the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 3**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Tuesday, May 15, 2001 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

## THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 178** Luna, Vilma SPONSOR: West, Royce

Relating to longevity pay for certain assistant prosecutors.

**HB 688** Woolley SPONSOR: Whitmire

Relating to the sale, possession, or consumption of alcoholic beverages near a private or parochial school.

**HB 695** Reyna, Arthur SPONSOR: Wentworth

Relating to the regulation of certain occupations by the Texas Real Estate Commission; providing penalties.  
(COMMITTEE SUBSTITUTE)

**HB 805** Bonnen SPONSOR: Brown, J. E. "Buster"

Relating to the percentage of money received by a crime stoppers organization that may be used for administrative costs.

**HB 915** Gray SPONSOR: Moncrief

Relating to bulk purchasing of prescription drugs by certain state agencies.  
(COMMITTEE SUBSTITUTE)

**HB 1047** Cook SPONSOR: Armbrister  
Relating to the authority of electric cooperative corporations to receive indemnity from certain persons involved in mining lignite.

**HB 1351** Brimer SPONSOR: Armbrister  
Relating to the funding and operation of the universal service fund.

**HB 1684** Solomons SPONSOR: Carona  
Relating to certain charges that may be included in a retail installment agreement.

**HB 1768** Grusendorf SPONSOR: Sibley  
Relating to clarifications in finance law and regulatory authority and efficient administration by the Finance Commission of Texas and the Texas Department of Banking; providing penalties.

**HB 1994** Marchant SPONSOR: Carona  
Relating to certain charges included in a retail installment agreement.

**HB 2071** Junell SPONSOR: Haywood  
Relating to establishing a billing procedure to ensure that each state agency is billed for the cost of support services allocated to the agency under the statewide cost allocation plan.

**HB 2690** Walker SPONSOR: Staples  
Relating to enforcement measures available to groundwater conservation districts.  
(COMMITTEE SUBSTITUTE)

**HB 2809** Wolens SPONSOR: Cain  
Relating to statutory revision and statutory construction.  
(AMENDED)

**HB 2814** Hartnett SPONSOR: West, Royce  
Relating to the operation of statutory probate courts.

**HB 2853** Bosse SPONSOR: Cain  
Relating to studies performed by, and information gathered and analyzed by, the legislative council.  
(AMENDED)

**HJR 75** Mowery SPONSOR: Shapiro  
Proposing a constitutional amendment to eliminate obsolete, archaic, redundant, and unnecessary provisions and to clarify, update, and harmonize certain provisions of the Texas Constitution.

**HJR 97** Junell SPONSOR: Ellis, Rodney  
Proposing a constitutional amendment authorizing the issuance of general obligation bonds for construction and repair projects and for the purchase of needed equipment.  
(COMMITTEE SUBSTITUTE)

**SB 488** Harris  
Relating to the recognition of a same-sex marriage or civil union.

**SB 824** Truan  
Relating to dual literacy programs in public schools.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 221** (29 Yeas, 0 Nays, 1 Present Not Voting)

**SB 601** (29 Yeas, 0 Nays, 1 Present Not Voting)

**SB 626** (viva-voce vote)

**SB 865** (29 Yeas, 0 Nays, 1 Present Not Voting)

**SB 980** (viva-voce vote)

**SB 1123** (viva-voce vote)

**SB 1407** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 15, 2001 - 4

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 2** Gallego SPONSOR: Shapiro  
Relating to the regulation of certain political contributions, political expenditures, and political advertising; providing civil and criminal penalties. (COMMITTEE SUBSTITUTE)

**HB 139** Wise SPONSOR: Cain  
Relating to the possession, use, and delivery of certain controlled substances and volatile chemicals; providing penalties.

**HB 2543** Naishtat SPONSOR: Duncan  
Relating to the establishment of a pilot program to provide child-care intervention services for certain children with severe behavioral problems.

**SB 1128** Bernsen  
Relating to landscaping and billboards along highways; imposing a civil penalty.

**SB 1176** Gallegos  
Relating to certain nondisciplinary actions against certain police officers and to the records of overturned disciplinary actions or charges of misconduct against certain firefighters and police officers.

**SB 1831** Gallegos

Relating to the designation of a portion of certain roads as the Texas Independence Highway, the Juan N. Seguin Boulevard, and the Juan N. Seguin Memorial Interchange.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 126** (30 Yeas, 0 Nays, 1 Present Not Voting)

**SB 941** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas

Tuesday, May 15, 2001 - 5

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 444** Fraser

Relating to a study of fraud in the unemployment insurance system.

**SB 1183** Van de Putte

Relating to reimbursement for expenses of collecting a short-term motor vehicle rental tax.

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 14**

County Affairs - **SB 1226, SB 1686, SB 1773**

Environmental Regulation - **SB 828, SB 906**

Financial Institutions - **SB 988**

Human Services - **SB 527**

Insurance - **SB 1181, SB 1467**

Land & Resource Management - **SB 1160, SB 1302, SB 1818**

Public Health - **SB 333, SB 338, SB 1212, SB 1285, SB 1767**

State Recreational Resources - **SB 1573**

**ENROLLED**

**May 14 - HB 100, HB 337, HB 561, HB 591, HB 593, HB 594, HB 702, HB 995, HB 996, HB 1081, HB 1136, HB 1266, HB 1402, HB 1640, HB 1671, HB 2354**

**SENT TO THE GOVERNOR**

**May 14 - HB 100, HB 108, HB 234, HB 251, HB 337, HB 394, HB 521, HB 561, HB 591, HB 593, HB 594, HB 702, HB 935, HB 995, HB 996, HB 1081, HB 1136, HB 1162, HB 1233, HB 1266, HB 1274, HB 1390, HB 1402, HB 1452, HB 1465, HB 1504, HB 1532, HB 1588, HB 1600, HB 1640, HB 1663, HB 1671, HB 1799, HB 1876, HB 1888, HB 1901, HB 2299, HB 2354, HB 2401, HB 2584, HB 2610, HB 2621, HB 3567**

**SIGNED BY THE GOVERNOR**

**May 14 - HB 82, HB 360, HB 372, HB 440, HB 453, HB 536, HB 537, HB 538, HB 630, HB 642, HB 666, HB 675, HB 906, HB 924, HB 957, HB 1083, HB 1130, HB 1179, HB 1664, HCR 14, HCR 15, HCR 16, HCR 17, HCR 18, HCR 19, HCR 21, HCR 24, HCR 25, HCR 26, HCR 27, HCR 28, HCR 51, HCR 52, HCR 54, HCR 55, HCR 56, HCR 57, HCR 58, HCR 60, HCR 61, HCR 62, HCR 63, HCR 64, HCR 65, HCR 66, HCR 67, HCR 68, HCR 71, HCR 72, HCR 73, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 162, HCR 163, HCR 165, HCR 168, HCR 169, HCR 171, HCR 172, HCR 253, HCR 266**